

**THE SUTHERLAND ESTATE, c.1860 – 1914: ARISTOCRATIC
DECLINE, ESTATE MANAGEMENT AND LAND REFORM**

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Declaration

I, Anne Marie Tindley, hereby certify that this thesis, which is approximately 100,000 words in length, has been written by me, that it is the record of work carried out by me, and that it has not been submitted in any previous application for a higher degree.

Signature of candidate:

Edinburgh, October 2005

'The Sutherland Estate, c. 1860 – 1914: Aristocratic Decline, Estate Management
and Land Reform'

Abstract

The Sutherland estate in the north of Scotland was one of the most famous, or infamous, of all Highland estates. Its vast size (at 1.1 million acres it covered nearly the whole county of Sutherland) and the wealth and policies of the family that owned it, the dukes of Sutherland, has singled it out for much comment. Despite its high profile, only limited use has been made of the principal source for its study: the huge collection of estate records deposited in the National Library of Scotland and Staffordshire County Record Office. Historians of late nineteenth century Highland history have instead tended to rely on newspaper and other published accounts for material on the Sutherland estate. An exception to this rule has been Eric Richards, who has examined the records of the estate for the period 1800 to 1855, covering the great Sutherland clearances and the Highland famine.

The Sutherland estate has always attracted comment, and many of the views expressed were informed by both the reputation of the ducal family, both good and bad, and the Sutherland clearances of 1809-21. This has to some extent disguised or distorted important debates in the period of study, such as the moral record of the administration of the estate. This debate was in turn tied to the wider discussion of land reform in the Highlands and the rights of property, both of the crofter and the landlord, much of which was expressed during the Crofters War (1882-86) and long after.

The present study tries to set the Sutherland estate into its Highland context, politically, financially and organisationally. Of course, the ducal family's vast fortune, independent from the Sutherland estate, sets them apart from most other Highland landowners and allowed for a more experimental approach in addressing the 'Highland Problem.' In the 1860s, the family invested in the railways in Sutherland, in the 1870s in land reclamation and in 1884 and 1894 attempted,

unsuccessfully, their own land resettlement schemes for the crofters. By looking at the papers of the Cromartie, Macdonald and Sinclair of Ulbster estate papers, the present study can demonstrate that this capital expenditure was highly unusual in a Highland context and tries to address its consequences.

In many ways, however, the Sutherland estate had much in common with its neighbours. This thesis looks at the ranked series of relationships that made the estate function; that between the crofters and the estate, and that between the members of the estate management itself. It has been found that in many cases over the whole period under study, these relationships were fraught with difficulty and disagreement, to the extent of occasionally breaking down completely. The commonly held contemporary view that the Sutherland estate was powerful and monolithic is an essentially false one. The central narrative of the estate between 1860 and 1914 is one of decline, like that of many other Highland estates; financially, politically, territorially and as a result, in the estate's once iron grip over the Sutherland crofters.

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Introduction

‘The direct descendants have been as a race respectable and even useful; but their fortunes have been beyond their deserts, and we must end as we began, by pronouncing the Gowers the luckiest among the great English houses.’¹

Much has been written about the ducal house of Sutherland: the fascination is understandable; they were among the top rank of British aristocrats through most of the nineteenth century, their position based on a seemingly unshakeable bastion of wealth.² It is this wealth and how it was used on the family’s estates in Sutherland that forms a central part of this thesis. As individuals, the ducal family were fairly ordinary aristocrats, undistinguished in politics or intellectual pursuits, in contrast to some of their close relatives.³ It is their wealth, and the management of their landed estates that this thesis examines.

Of primary interest here are the 3rd and 4th dukes of Sutherland, who, between them, held the Sutherland estates from 1861 to 1913. George Granville William Sutherland Leveson-Gower, the 3rd Duke of Sutherland (1828-1892), was educated at Eton, and then King’s College, London, although it was fairly clear he was never going to excel in any intellectual field, aside from an amateur’s interest in

¹ J. L. Sandford and M. Townsend, *The Great Governing Families of England*, vol. I (Edinburgh, 1865), 275.

² For example, E. Richards, *The Leviathan of Wealth: the Sutherland Fortune in the Industrial Revolution* (London, 1973); E. Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the price of Progress*, (Edinburgh, 1999); P. T. Wheeler, ‘Landownership and the Crofting System in Sutherland since 1800,’ *Agricultural History Review*, 14 (1966); J. Helland, ‘Rural Women and Urban Extravagance in late nineteenth century Britain,’ *Rural History*, 13 (2002).

³ Such as the 8th Duke of Argyll, the 3rd Duke’s brother-in-law, or Earl Granville.

engineering, especially steam power.⁴ Steam power, in a variety of guises, was just one of the fields in which he spent vast quantities of his inheritance, as this thesis will show. He was also widely travelled, a close friend of the Prince of Wales, and married twice: first to Anne Hay Mackenzie, who brought the Cromartie estates in Ross-shire into the family, and second to Mary Caroline Blair, a widowed daughter of an Oxford academic, to the intense disapproval of his family.⁵ This marriage would cost even more money than the hundreds of thousands of pounds he spent on expensive investments: in all, it has been fairly said that, ‘the life and death of the third duke had seriously damaged the great fortune of the Sutherlands.’⁶

Cromartie Sutherland Leveson-Gower, the 4th Duke of Sutherland (1851-1913), who held the Sutherland estates from 1892/4 to 1913, was a much more cautious personality, especially when it came to money.⁷ Under the 4th Duke, the financial structure of the Sutherland estates were radically altered, through land sales and re-investment into imperial ventures, specifically Canada.⁸ This re-structuring was part of a longer process of change in the Sutherland finances over the period 1860-1914. For most of the nineteenth century, the dukes of Sutherland consistently enjoyed an annual income of over £120,000, but the sources and basis behind this

⁴ It is possible, although this is only speculation, that the 3rd Duke attended a London College, rather than an Oxbridge one because of his practical, rather than academic, interests and abilities: E. Richards, ‘Gower, George Granville William Leveson-,’ *Dictionary of National Biography* (Oxford University Press, 2004-5); 5th Duke of Sutherland, *Looking Back: the Autobiography of the 5th Duke of Sutherland* (London, 1957), 33-35; H. Bonnett, *The Saga of the Steam Plough* (Newton Abbot, 1965), 54, 78.

⁵ B. Thompson, *Imperial Vanities* (London, 2002), 109-10, 115; D. Stuart, *Dear Duchess: Millicent Duchess of Sutherland, 1867-1955* (London, 1982), 45.

⁶ Richards, ‘Gower, George Granville William Leveson-,’ 10.

⁷ The two dates given for the 4th Duke’s accession to the Sutherland estates is due to the controversy which engulfed the family on the death of the 3rd Duke: his will left the estates, and the bulk of his personal fortune, to his widow, Dowager Duchess Mary Caroline Blair, and only a prolonged battle in the courts settled the matter in 1894, when the 4th Duke officially took the estates into his own hands.

⁸ 5th Duke, *Looking Back*, 58-59.

income underwent a process of change over the century. In 1833, for instance, the 2nd Duke had £1.1 million invested in government stocks, but by 1850, this figure was down to £506,046: he had spent half a million pounds in under twenty years, principally on building and improving the five family houses and supporting his relations.⁹ When the 3rd Duke inherited the estates in 1861, his income was still £120,000 per annum, but a greater proportion of this sum came from estate rentals, a potentially more temperamental revenue. Luckily for the 3rd Duke, the 1850s and 1860s saw rentals from sheep farming in the north rise considerably and when these began to fall away in the 1880s, sporting rents cushioned the fall.¹⁰ The 3rd Duke continued the traditions of his forebears, despite the reduction in the more secure sources of his income, and made unrestrained outlays on grand projects that generated little or no return.¹¹ The 4th Duke took a more cautious approach, however, and after 1892 there was no more grand expenditure on large capital projects (aside, of course, from the huge payout he was forced to make to the Dowager Duchess in 1894).¹² The 4th Duke, faced with a shrinking base of capital, low land prices, a depressed agricultural sector and the consequences of decades of foolish and unrenumerative spending by his forebears, began, along with many other landowners, to sell land in order to put the proceeds into more productive ventures.¹³ He sold 120,000 acres of land in Sutherland between 1898 and 1913,

⁹ E. Richards, 'An Anatomy of the Sutherland Fortune: income, consumption, investments and returns, 1780-1880,' *Business History*, 21 (1979), 46, 52-3.

¹⁰ Richards, 'An Anatomy,' 54, 62.

¹¹ Large investments were made in the railway infrastructure of Sutherland in the 1860s (£254,064 in total), and in the great land reclamations in the 1870 (£220,000): Richards, 'An Anatomy,' 54; 5th Duke, *Looking Back*, 32-33.

¹² Stuart, *Dear Duchess*, 45. The sum paid to the Dowager may have been as much or more than £750,000.

¹³ D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 133-34.

and used the proceeds to buy land in Canada, which he thought would give him a much higher return. Unfortunately for the family coffers, it did not, and the land was sold off by the 5th Duke between 1913 and 1920, at the same time as he put nearly 600,000 acres of Sutherland up for sale.¹⁴

The part the Sutherland estate in the north of Scotland had to play in the wider ducal financial empire throughout the period 1860 to 1914 is one of the themes of this thesis. The decades before 1860 had seen huge changes on the estate, well documented elsewhere, but still useful to outline here.¹⁵ First and foremost must be the clearances of 1809-21: as will be shown in this thesis, the estate never cleansed itself of the infamy generated by this huge social and economic experiment. Its poor reputation had more concrete consequences too; for instance, it led to pressure in the 1880s and 1890s from land reform champions to right the wrongs of the past. The estate's record during the highland famine was better, the 2nd Duke being widely regarded as generous in his aid for his suffering tenants.¹⁶ But both the clearances and the famine relief operation on the estate dented its finances considerably: the famine saw the 2nd Duke spend £12,000, most of it irrecoverable, on aid to his tenants.¹⁷ The clearances were much more expensive; the estate received no net income between 1812 and 1822 and on top of this, spent £500,000 between 1811 and 1833.¹⁸ This picture of ducal expenditure is completed when

¹⁴ 5th Duke, *Looking Back*, 58-9; Cannadine, *Decline and Fall*, 108.

¹⁵ For example in Richards, *Leviathan of Wealth*, 149-279; Richards, *Patrick Sellar and the Highland Clearances*; T. M. Devine, *The Great Highland Famine: Hunger, emigration and the Scottish Highlands in the nineteenth century* (Edinburgh, 1988).

¹⁶ Richards, *Leviathan of Wealth*, 264, 267.

¹⁷ Richards, *Leviathan of Wealth*, 267.

¹⁸ Richards, *Leviathan of Wealth*, 231-32.

land purchases totalling £554,000, are added, as well as extensive re-building projects in the 1840s and 1850s costing roughly £503,000.¹⁹

The effect on population levels generated by the clearances, famine and the emigration both engendered was not as immediate as might be expected: the more striking decline in population came between 1901 and 1921, a result of continuing grinding poverty which characterised life in the region and the lack of alternatives available aside from seasonal or permanent migration. This table gives an overall picture of population levels from 1841 to 1921:

Year	Population of the county of Sutherland
1841	24,782
1851	25,793
1861	25,246
1871	24,317
1881	23,370
1891	21,896
1901	21,440
1911	20,179
1921	17,802

Table One: Population of Sutherland, 1861 - 1921²⁰

¹⁹ Richards, *Leviathan of Wealth*, 16, 216, 232; Richards, 'An Anatomy,' 55.

²⁰ *Census of Scotland*, 1911 (Edinburgh, 1912), 2231 and *Census of Scotland*, 1921 (Edinburgh, 1923), 1874.

As the above table demonstrates, the population of Sutherland was in steady decline from the beginning of the 1860s, despite the fact that the 1860s and 1870s were to some extent a period of recovery in the Highlands.²¹ This overall decrease disguises more extreme decreases in some parishes in the county in just thirty years, as this table shows:

Management	Parish	1891	1901	1911	1921	% decrease
Dunrobin	Clyne	1,713	1,724	1,749	1,616	-5.6
	Creich	2,013	1,836	1,713	1,506	-25.1
	Dornoch	2,404	2,749	2,670	2,475	2.9+
	Golspie	1,451	1,665	1,685	1,518	4.6+
	Kildonan	1,828	1,772	1,786	1,518	-16.9
	Lairg	1,169	1,081	995	1,046	-10.5
	Loth	528	449	367	321	-39.2
	Rogart	1,195	1,105	946	804	-32.7
Tongue	Tongue	1,925	1,783	1,609	1,350	-29.8
	Farr	1,857	2,557	2,468	2,152	14.4+
	Durness	960	870	830	606	-36.8
Scourie	Assynt	2,551	2,386	2,111	1,423	-44.2
	Eddrachillis	1,409	1,418	1,250	1,135	-19.4

²¹ J. Hunter, *The Making of the Crofting Community* (Edinburgh, 1976), 107-08.

Table Two: Parish level population in Sutherland, with percentage changes, 1891-1921²²

This decline in population is attributable to a number of factors, the most important of which were the consequences of the general social and economic circumstances of the region.²³ As a result of limited resources of both land and employment, nuptuality was low in Sutherland, as it was in northern Scotland as a whole, and although marital fertility levels were higher than the average for England and Wales, low nuptuality cancelled this out.²⁴ Marriage was often delayed until access to land was available, but this was not always possible in the congested crofting townships of Sutherland.²⁵ These limiting economic factors meant that out-migration was the only realistic option for many, especially if, as on the Sutherland estate, sub-division of plots was strictly prohibited.²⁶

An overview of the income of the Sutherland estate is necessary to set the policies and activities of the ducal family and estate management into context. The three tables below give an overview of the rental structure of the Sutherland estate between 1860-1914. They are not entirely comprehensive, however: how rents were recorded differed between each management and over the five decades under scrutiny, so there are some gaps in the data. Also, not all of the fifty-four years

²² *Census of Scotland*, 1911 (Edinburgh, 1912), 2231: the increase in Farr parish was due to a change in the parish boundary between 1891 and 1901; *Census of Scotland*, 1921 (Edinburgh, 1923), 1868.

²³ R. N. Hildebrandt, 'Migration and Economic change in the northern Highlands in the Nineteenth century, with particular reference to 1851-1891,' Unpublished PhD thesis (Glasgow University, 1980), 336-37.

²⁴ M. Anderson and D. J. Morse, 'High Fertility, high emigration, low nuptuality: Adjustment processes in Scotland's demographic experience, 1861-1914, Part II,' *Population Studies*, 47 (1993), 326.

²⁵ Anderson and Morse, 'High Fertility, high emigration, low nuptuality,' 330.

²⁶ Anderson and Morse, 'High Fertility, high emigration, low nuptuality,' 321, 330.

covered by this thesis have been included; instead, rentals for every five years have been sampled, apart from two gaps, in 1877 and 1902, due to missing records for those years. It is still possible, however, to construct a general picture of the income of the estate and the overall trends in the changing importance of different sectors of the estate, from sheep farmers and shooting tenants.

As will be seen, there were no really significant changes in the rental income of the estate over the period; an increase in large rents between 1862 and 1882, raised from sheep farmers, reductions due to land sales in Tongue and Scourie in 1898 and 1913, and the growing importance of shooting rents over sheep and arable farm rents by the 1890s are the most striking changes. Crofters' and cottars' rents remain relatively steady, although arrears were by far the highest among this group, especially after 1886.

'Small rents' always referred to just crofters' and cottars' rents, but the term 'large rents' covered sheep farms, arable farms, shootings and fishings. In some years, 'large' rents were broken down into these four categories; in other years, they were lumped together. Where possible, the tables will show the 'large' rental breakdown. Three tables were found to be necessary to present this information in the clearest way possible: the first table shows the total rental for the estate in the years covered, for quick reference. The second table gives the percentage of the total rental made up by crofters' and cottars' rents and what percentage of that figure represented unpaid arrears. The third table gives a breakdown of the rentals between the three managements and gives 'large' rents, 'small' rents and arrears for both. Where 'N/s' is used, it indicates 'unspecified.'

Year	Total Rental £
1862	43,889.18.5
1867	45,827.11.6
1872	53,339.3.8
1882	69,612.12.4
1886	65,852.3.1
1893	62,494.12.5
1898	59,647.5.0
1906	53,966.7.11
1914	58,634.0.11

Table Three: Total Rental for the Sutherland Estate, 1862-1914²⁷

Year	Total Rental £	% of total rent taken up by crofters' rents	% of crofters' rents unpaid £
1862	43,889.18.5	16.2	30
1867	45,827.11.6	16.1	16.8
1872	53,339.3.8	14.1	19.9
1882	69,612.12.4	13	8.8
1886	65,852.3.1	11.6	45.7
1893	62,494.12.5	15.1	78.6
1898	59,647.5.0	13.1	51.7
1906	53,966.7.11	-	-
1914	58,634.0.11	12.9	58.9

Table Four: Crofters' rents²⁸

²⁷ NLS, Dunrobin Rental Abstracts, Acc. 12173/89 (1862), Acc. 12713/94 (1867), Acc. 12173/99 (1872), Acc. 10853/81 (1882), Acc. 10853/85 (1886), Acc. 10853/92 (1893), Acc. 10853/97 (1898), Acc. 10853/105 (1906), Acc. 10853/113 (1914); Tongue Rental Abstracts, Acc. 12173/114 (1862), Acc. 12173/119 (1867), Acc. 12173/124 (1872), Acc. 10225/? (1882, 1886, 1893, 1898, 1906); Scourie Rental Abstracts, Acc. 12173/140 (1862), Acc. 12173/145 (1867), Acc. 12173/150 (1872), Acc. 10225/? (1882, 1886, 1893).

²⁸ NLS, Dunrobin Rental Abstracts, Acc. 12173/89 (1862), Acc. 12713/94 (1867), Acc. 12173/99 (1872), Acc. 10853/81 (1882), Acc. 10853/85 (1886), Acc. 10853/92 (1893), Acc. 10853/97 (1898), Acc. 10853/105 (1906), Acc. 10853/113 (1914); Tongue Rental Abstracts, Acc. 12173/114 (1862), Acc. 12173/119 (1867), Acc. 12173/124 (1872), Acc. 10225/? (1882, 1886, 1893, 1898, 1906);

Management	Year	Large Rents total £	Sheep farms £	Arable farms £	Shootings £	Fishings £	Arrears £	Small rents £	Arrears £
Dunrobin	1862	19,250.18	N/s	N/s	N/s	N/s	0.0.0	3116.18.11	N/s
Tongue	1862	7528.15.0	N/s	N/s	N/s	1425	0.0.0	1984.18.9	748.8.3
Scourie	1862	8141.11.6	N/s	N/s	N/s	N/s	1801.10.0	2019.18.10	579.4.3
Dunrobin	1867	21,140.14.7	N/s	N/s	N/s	N/s	N/s	3199.13.8	N/s
Tongue	1867	7738.15.0	N/s	N/s	N/s	1430	N/s	2063.15.0	250.3.6
Scourie	1867	8078.5.10	N/s	N/s	N/s	N/s	59.0.0	2108.12.0	303.5.1
Dunrobin	1872	23,961.3.4	N/s	N/s	N/s	N/s	N/s	3187.1.6	N/s
Tongue	1872	9132.10.0	N/s	N/s	N/s	2385.0.0	0.0.0	2207.10.7	175.9.9
Scourie	1872	9808.0.0	N/s	N/s	N/s	N/s	0.0.0	2207.10.7	262.1.1
Dunrobin	1882	31,543.18.0	N/s	N/s	N/s	N/s	N/s	3836.13.9	N/s
Tongue	1882	18,135	10,845	N/s	5795	1495	375	2575.10.2	670.19.9
Scourie	1882	10,774.3.8	N/s	N/s	N/s	N/s	N/s	2738.2.7	N/s
Dunrobin	1886	33,631.13	10,836.12.2	8360.14.7	9537.14.7	1155	504.17.8	3174.19.7	1464.16.7

Scourie Rental Abstracts, Acc. 12173/140 (1862), Acc. 12173/145 (1867), Acc. 12173/150 (1872), Acc. 10225/? (1882, 1886, 1893).

Tongue	1886	14,507.14. 8	N/s	N/s	N/s	N/s	1160.10.0	2074.4.4	1027.16. 10
Scourie	1886	14,177.14. 10	N/s	N/s	N/s	N/s	N/s	2441.2.11	N/s
Dunrobin	1893	33,527.4.9	7058.14.2	7422.16.10	13,514.14.2	1469.10. 0	910.10.0	4515.8.1	3831.1.8
Tongue	1893	14,857.6.5	N/s	N/s	N/s	N/s	3.2.6	2264.8.5	1814.8.9
Scourie	1893	11,177.2.6	N/s	N/s	N/s	N/s	N/s	2707.1.0	N/s
Dunrobin	1898	38,944.9.0	7533.0.6	5916.8.3	22,074.12.5	3420.10.0	364.4.4	5238.3.3	2373.0.5
Tongue	1898	17,313.6. 10	N/s	N/s	N/s	N/s	25.7.6	2593.19.0	1681.9.4
Dunrobin	1906	43,715.21. 11	6002.1.6	4760.13.11	25,276.2.2	2778.4.0	387.21.6	4899.1.8	2977.1.5.5
Tongue	1906	15,042.1. 10	N/s	N/s	N/s	N/s	N/s	N/s	N/s
All estate	1914	56,363.16. 11	N/s	N/s	N/s	N/s	841.10.7	7586.0.4	4475.4.9

Table Five: Sutherland Estate Rentals, 1862 – 1914, by Management²⁹

As these tables make clear, crofters' rents made up a small fraction of the income of the estate, and as arrears were habitually high, the estate often did not receive its

²⁹ NLS, Dunrobin Rental Abstracts, Acc. 12173/89 (1862), Acc. 12713/94 (1867), Acc. 12173/99 (1872), Acc. 10853/81 (1882), Acc. 10853/85 (1886), Acc. 10853/92 (1893), Acc. 10853/97 (1898), Acc. 10853/105 (1906), Acc. 10853/113 (1914); Tongue Rental Abstracts, Acc. 12173/114 (1862), Acc. 12173/119 (1867), Acc. 12173/124 (1872), Acc. 10225/? (1882, 1886, 1893, 1898, 1906); Scourie Rental Abstracts, Acc. 12173/140 (1862), Acc. 12173/145 (1867), Acc. 12173/150 (1872), Acc. 10225/? (1882, 1886, 1893).

full due. Rents from sheep farms and shootings were much more significant, a point to be borne in mind when considering estate policy towards the crofters.

This thesis is structured chronologically, although three chapters explore specific themes within the overall chronological framework. This structure was dictated by the size and nature of the Sutherland archive. It quickly became clear that due to the large amount of material available, it would be necessary to look at only a short chronological period (fifty years), and further, specific themes would have to be chosen, as a 'complete' view of the estate, even if it only covered fifty years, would be impossible to complete in three years. Chapter One looks in detail at the Sutherland land reclamations, pursued through the 1870s and early 1880s, but also explores wider issues, such as the nature of land and landownership in the period and how the Sutherland estate fitted into that vision. Chapter Two starts the chronological part of the thesis, examining the period 1882-6, through the early part of the Crofters War in Sutherland and how it impacted on the estate management, up to the passage of the 1886 Crofters Act. The period 1886-1896 is covered in Chapter Three, specifically examining the workings of the Crofters Act in Sutherland and the reaction of the estate management and the crofters to this seminal piece of legislation. Chapter Four takes the thesis to the end of the 4th Duke's life, from 1897 to 1913; dealing with further direct government intervention in the form of the Congested Districts Board for Scotland at two sites in Sutherland, plus the general financial health of the estate and the 4th Duke's growing bitterness against the government after 1909. Chapter Five takes a single crofting township, Clashmore in Assynt, and examines its unusual history over the whole period of the

thesis. By taking a single township, it was possible to look in close detail at the interface between the crofters and cottars, the estate from ground officer to Duke, the forces of law and order and government agencies such as the Crofters Commission and the Congested Districts Board in Sutherland. The final chapter is also thematic and looks at politics in Sutherland over the whole period, specifically the role of the ducal family and estate management in influencing both national and local politics.

The approach that this thesis takes is essentially estate-centric, the Sutherland estate papers being by far the most important and influential source used. Due to the large size of the archive, only a small number of issues have been looked at, principally the estate's relationship with its crofting tenants, so that issues of land hunger and land reform have become prominent. The bulk of the Sutherland papers relating to the Scottish estate are held by the National Library of Scotland [hereafter NLS] and are that library's largest manuscript collection. They are spread over five separate collections: Deposits 313 and 314 cover the period up to 1861 and Accessions 10225, 10853 and 12173 the period 1861-1920, the last three being the main sources for this thesis. All papers post-1920 and the personal papers of the ducal family are held at Dunrobin Castle and the estate office in Golspie. Permission to access these personal papers was requested, but Lord Strathnaver, acting for the Countess, thought that the material was too sensitive and also irrelevant to the research area of this thesis, and access was thereby denied.

The divisions in the post-1861 papers between the three accessions, 10225, 10853 and 12173 are essentially false ones: they exist merely because of the order in

which the papers were delivered to the NLS, so it is best to regard them as undivided in practice. Another accident of history relating to these accessions is the basis of their organization. In the 1950s, Professor Robert Adam was invited to Dunrobin to help put the papers (then all still held at the castle by the 5th Duke) in order: one of the stipulations of the Countess when handing the papers over the NLS was that Professor Adam's organizational system should be retained, and it has been so. Professor Adam arranged the papers into subject categories, for example, Crofters, Policy Papers, Factor's Correspondence.³⁰ There are obvious difficulties with these categories, regarding overlap and confusion as to what type of papers are in which category, but a process of trial and error, as well as the expertise of the NLS staff can overcome these to some extent. The NLS has, over the fifteen years of possession of the papers, added some basic lists, but these are superficial and much of the collection remain essentially unindexed and uncatalogued.

The papers in Stafford County Record Office [hereafter SCRO] were originally gathered and deposited from Stafford House, London, Lilleshall House in Shropshire and Trentham House, Staffordshire. They are in a single collection, D593, and cover records of the English estates, international ducal investments, personal papers of the female members of the ducal family and railways. These papers are completely and comprehensively catalogued, although currently undergoing a period of change. A rationalization exercise with the NLS has been running for the last two years, in which papers in the SCRO relating to the Scottish estates have been transferred to the NLS and filed under a new accession number,

³⁰ See the Bibliography for the full lists of subject categories in each collection.

Acc. 12173. This accession is, therefore, catalogued although the exchange is not yet complete and will be added to extensively. Further to this, the entire D593 collection has recently been put up for sale by the Countess, although SCRO are trying to raise the £2.1 million required in order to keep them through the Heritage Lottery Fund and public subscription.

As should be clear, the approach in this thesis has been influenced, perhaps dictated by, the Sutherland estate papers. Firstly, the sheer range of activities undertaken by an estate the size of the Sutherland estate cannot be underestimated, and of course, creates huge possibilities, as well as problems, for the historian. Central to this thesis, aside from the subject matter of the estate's relations with its crofting tenants and the government, has been the structure of the management of the estate, the mechanics of policy formation and implementation and life on the ground for the estate staff. The Sutherland estate papers expose the cogs and wheels of a vast estate turning in a way that leads to very different conclusions about Highland estate management commonly found in other sources.

The principal problem in using the Sutherland estate records in depth was the danger of developing a myopic estate-centric view. There has been much comment in Highland historiography over the use of particular types of sources and how their use identifies the perspective of the historian, for better or worse.³¹ Dependence in the present study on the Sutherland estate papers can be defended on two counts: first, the archive of a Highland estate the size of Sutherland contains records of

³¹ See E. A. Cameron, *Land for the People? The British Government and the Scottish Highlands, c.1880-1925* (East Linton, 1996), 9-15; A. Mackillop, *More Fruitful than the Soil: Army, Empire and the Scottish Highlands, 1715-1815* (East Linton, 2000), 2; Hunter, *Making of the Crofting Community*, 4-5.

huge diversity within itself. From financial records to personal papers, internal correspondence between estate management personnel to letters to and from government bodies and both large and small tenants. There is much in the Sutherland archive that is not strictly 'landlord' in content, and significant material for this thesis on the views of the Sutherland estate management at important junctures actually came from the records of government Commissions and Boards. Secondly, a range of other sources have been used, to broaden the perspective of the thesis generally and to put the Sutherland estate more firmly into its geographical and political context. Contemporary newspapers were very useful in this context, both 'crofting' and 'landlord' in view. Principally, however, it has been government records that have provided the other main perspective on the estate in this thesis. These include Parliamentary papers such as the records of the Crofters Commission (1886-1912), and of the Congested Districts Board (1897-1911), and some papers of the legal arm of the government.³² The use of these government records has led to much consideration as to how the estate, the Sutherland crofters and the government interacted and dealt with one another, and has exposed the possibilities for conflict there were, given the different pressures and desires driving the three groups.

Papers of other Highland estates have also been used to try to set the Sutherland estate more securely into its Highland context. Three sets of papers have been examined; those of the Cromartie estate in Ross-shire, the Macdonald estates on

³² National Archives of Scotland [hereafter NAS], AF67, Crofting Files; AF42, Congested Districts Board Files; Papers of the High Court of Justiciary, JC26 and Papers of the Sheriff Court of Dornoch, SC9/47.

Skye and the Sinclair of Ulbster estate in Caithness.³³ The Macdonald estate papers were chosen for two reasons: first, the extent of the financial embarrassment of the Macdonald estates makes it a useful contrast to the Sutherland estate, where the dukes' income was not so heavily dependent on the estate rentals. Secondly, the Macdonald family were, like the Sutherland estate, an unpopular and vilified family, for both the extent of clearance on their estate in earlier decades and their treatment of the crofters leading up to and during the Crofters War. The Macdonald estates, therefore, provided both a useful contrast and comparison with Sutherland. The Ulbster estates were chosen as a contrast to the Sutherland estate; although the land there was similar to that in much of eastern Sutherland, and the estate had fewer financial problems than the Macdonald estates, they also had far fewer crofters on their estate than Sutherland. Their factors' involvement in the political scene in Caithness was also of interest in a comparative sense. The Cromartie estate was actually part of the Sutherland estates up to 1893, brought into the Sutherland empire by the 3rd Duke's first wife, Anne Hay Mackenzie.³⁴ The upper estate management and policy was therefore the same as that in Sutherland, creating a number of similarities between the two estates, and also highlighting some key differences, especially that of the more precarious financial situation of the Cromartie estate when independent from the ducal fortune.³⁵ The Cromartie estate staff's role and commentary on Ross-shire politics have also been of great interest.

³³ NAS, GD 305, Cromartie Estate Papers; Armadale MSS, Macdonald Papers, Skye; Sinclair of Ulbster MSS, Thurso.

³⁴ E. Richards and M. Clough, *Cromartie: Highland Life, 1650-1914* (Aberdeen, 1989), 378.

³⁵ Richards and Clough, *Cromartie*, 246, 248, 252-55.

Using these estate and government records, this thesis has tried to put the Sutherland estate into a variety of useful contexts, including those of national politics, Highland landlordism and government-led land reform. There have been two other, wider contexts of use to this thesis, however; those of the British aristocracy and the British Empire. The Sutherland ducal family ranked among the richest patrician aristocrats of their time. The picture of decline painted in this thesis – in the family's once unshakeable wealth, their territorial dominance, and in their political and social influence – is one that has been explored in other great aristocratic families and among the class in general.³⁶ The decline of the Sutherland family broadly matches the decline of other great patrician families like the Westminsters and Devonshires: decline, but not eradication.³⁷

The British Empire was an important arena of action for the 3rd and 4th Dukes of Sutherland, and it provided a further context for their activities, investments, and ideas about land and landownership. Both dukes were part of a network of 'aristocratic capital,' rooted in their extensive globe trotting and contact with key imperial lynchpins like Sir William Mackinnon, Sir Austen Layard and to some extent, Sir Arnold Kemball.³⁸ This imperial context fed back into Sutherland in a number of ways, primarily through attitudes to land, its purpose and capabilities,

³⁶ For example see Cannadine, *Decline and Fall*; A. Adonis, *Making Aristocracy Work: the peerage and the political system in Britain, 1884-1914* (Oxford, 1993); A. Adonis, 'The Survival of the Great Estates: Henry 4th Earl of Carnarvon and his dispositions in the 1880s,' *Historical Research*, 64 (1991); D. Cannadine, *Aspects of Aristocracy: Grandeur and Decline in modern Britain* (London, 1994); D. Spring, 'The role of the aristocracy in the nineteenth century,' *Victorian Studies*, 4 (1960).

³⁷ Cannadine, *Decline and Fall*, 135-6.

³⁸ For example see R. Drayton, *Nature's Government: Science, Imperial Britain and 'the Improvement of the World,'* (London, 2000); J. Forbes Munro, *Maritime Enterprise and Empire: Sir William Mackinnon and his business network, 1823-1893* (Woodbridge, 2003); P. Womack, *Improvement and Romance: Constructing the myth of the Highlands* (London, 1989).

but also through attitudes to the Sutherland crofters. By seeing the crofters as backward, lazy and primitive, the dukes felt justified in investing in schemes like the reclamations, just as investors across Africa and Asia felt that they were justified in building and controlling the economies of other 'primitive' peoples.³⁹

Lastly, an overview of how the Sutherland estate was organised is necessary.⁴⁰ By 1861, the Sutherland estate covered nearly the entire county of Sutherland, an area of approximately 1.1 million acres. This huge area was split for administrative purposes into three managements: Dunrobin (south, central and east), Tongue (central and north coast) and Scourie (west coast), Dunrobin being by far the largest and richest of these managements. One factor controlled each management, with a ground officer in each parish to help him. There was a further level of management above the factors, at least until 1889 – that of the Commissioner. This individual was primarily London-based, although they were given a house at Uppat in Sutherland for personal use and were expected to visit at least once a year. They looked after all of the Duke's landed estates, as well as advising him on his investments and other businesses. This included 300,000 acres of land in England; in Yorkshire, Shropshire and Staffordshire, as well as a wide spectrum of sometimes exotic investments in a huge range of ventures, from railways in Sutherland and Turkey to rubies in Siam. Clearly, the Commissioner was a powerful individual, and there were three who filled the post in the period covered by this thesis. The first was George Loch, Commissioner from 1853, in succession to his father, James Loch, until his own death in 1879. George Loch was a trained

³⁹ Drayton, *Nature's Government*, 223, 232.

⁴⁰ See Appendix C.

barrister, M.P. for Wick District (1868-1872), and a strict Commissioner over his factors. He was well respected, however, and worked hard to protect the 3rd Duke's interests, even when he was overruled by the Duke, especially over finances.⁴¹ After Loch's death, General Sir Arnold Burrowes Kemball was appointed Commissioner, and held the post until he retired in mid-1886. Kemball had a military and diplomatic background, but no experience in managing landed estates. Despite this drawback, he eventually gained the respect of the factors, an accolade of sorts, especially in the troubled years of the 1880s. He was assiduous and fair, and approved of, or at least accepted, that some degree of land reform for the benefit of the crofters was necessary, putting him into occasional conflict with the factors who were more intractable on the issue.⁴² This pattern of conflict was continued and greatly expanded under the next and final Commissioner, R. M. Brereton. Brereton had travelled extensively in the past, working as an engineer: it was possibly this that led the 3rd Duke to appoint him in 1886, as it certainly was not for any expertise in land management. This, the troubled times the estate found itself in by the late 1880s and Brereton's rather abrasive style of management, led to a huge conflict with the Scourie factor, Evander McIver, and eventually resulted in Brereton's resignation.⁴³ It was a clash both of personalities and of ideas concerning the crofters that led to this acrimonious split, and was one of several

⁴¹ Richards and Clough, *Cromartie*, 326, 334-5; E. McIver, *Memoirs of a Highland Gentleman: being the reminiscences of Evander McIver of Scourie* (ed.) Rev. Geo. Henderson (Edinburgh, 1905), 118-120.

⁴² Richards and Clough, *Cromartie*, 335; McIver, *Memoirs of a Highland Gentleman*, 120.

⁴³ Richards and Clough, *Cromartie*, 336; McIver, *Memoirs of a Highland Gentleman*, 120-1.

fractures within the estate management and ducal family in the period 1886-1894, all of which were damaging to the estate in the long run.⁴⁴

The Sutherland factors are the central characters of this thesis, however, a circumstance dictated by the estate records, which are dominated by their notes and correspondence with each other, the upper management and key figures in the outside world. The factors were responsible for the running of the estate on the ground in a day-to-day context. They collected (and often set) rents, as well as local rates and taxes; they adjudicated on disputes between tenants, were members and often chairmen of the local Poor and School Boards, oversaw improvements and repairs on tenancies and crucially, advised the Commissioner as to policy and expenditure. On the Sutherland estate it was also customary for the factor to be the tenant of a sheep farm in his Management, as an extra source of income. In the 1870s, their salaries were approximately £600 per annum, although the salary of the Dunrobin factor was always slightly more, £660, due to the much greater area and population under his jurisdiction.

There were several changes in personnel over the period, which had a significant impact on how the estate was run and what its policies towards the crofters were.⁴⁵ Joseph Peacock was appointed Dunrobin factor in the 1850s and was a strong and loyal employee up to his retirement in 1885. He was not unpopular among the crofters, and even when they had the chance to criticise him in front of the Napier Commission in 1883, none did. Despite his fair reputation, it is probable that he retired when he did because he could not face the huge changes in estate

⁴⁴ Richards and Clough, *Cromartie*, 336.

⁴⁵ See Appendix C.

management precipitated by the 1886 Crofters Act. He was replaced by Donald MacLean, a much younger man, who ran the management until his own retirement in 1912. He had a justified reputation for fairness, some forward thinking when it came to the crofters, and efficiency. This pattern of a retiring reactionary replaced by a younger man was repeated in the Tongue management: John Crawford, like Peacock, had been in charge of Tongue since the 1850s and was simply incapable of changing his ways. He retired in 1885, considered by the upper management to be too arbitrary in his manner and too reactionary in his views to continue without embarrassment to the estate.⁴⁶ He was replaced by John Box, one of the most popular of all of the Sutherland factors, with the upper estate management and crofters alike. His popularity was confirmed by his continued election to the Parish Board and later, the new County Council: he was fair, and clever, unafraid to put his view to the upper management, even if it was rejected. He retired to general regret after suffering a stroke in 1902. He was replaced by Colonel John Morrison, an efficient factor, who would go on to replace Donald MacLean as Dunrobin factor in 1912.

The Scourie management did not see nearly as much change, as during nearly the whole period covered by this thesis, it was run by one indomitable figure: Evander McIver. First appointed in 1845, he ruled Scourie with an iron hand until he retired in 1895 at the grand age of 85, having earned himself the sobriquet the 'King of Scourie.' Son of a Lewis tacksman and fish merchant and a native Gaelic speaker, he was sent to Edinburgh for his education and trained in land

⁴⁶ National Library of Scotland [hereafter NLS], Acc. 10225, Policy Papers, 145, Kemball to Crawford, 5 Jan. 1885.

management on the Tulloch estates for ten years before being appointed to the Scourie factorship.⁴⁷ He was massively influential, intractable and in later years, reactionary. He retired in 1895 because of old age, but he was out of his element by that time also. The story of the factors and their ability or inability to cope with and adapt to the massive changes to the management of Highland estates after 1882 is central to this thesis.

The present study attempts to clarify some over-simplifications regarding the Sutherland estate management through decades of huge change and occasional acute crisis for the estate. Rather than assuming that the estate management was a monolithic and efficient structure, this thesis tries to expose its deficiencies, its fractures, and sometimes, its complete breakdown under both internal and external pressures. In summary, the Sutherland estate needs to be regarded as a complex, elaborate, hierarchical structure, prone to breakdown and faction fighting and sometimes ill-equipped to deal with the problems facing all Highland estates in the period.

⁴⁷ McIver, *Memoirs of a Highland Gentleman*, 33-38, 57, 59.

Chapter One: the Sutherland Reclamations, 1869-1893

Introduction

In 1869 George Loch, Commissioner of the 3rd Duke of Sutherland's estates, started making enquiries into the potential of reclaiming arable land from the wastes and bogs of Sutherland. He addressed his initial enquiries to two Ross-shire men, William Mackenzie, factor on the Ardross estate who was well known for his reclamation works there, and a small landowner, Mr Kenneth Murray of Geanies, also highly regarded for his experience in the field. Loch made clear what the land reclaimed would be necessary for,

These questions must be determined not only with reference to the intrinsic qualities of the land itself, but to considerations bearing upon the interests of the sheep farmers of which it now forms a part. How far, for example, it will be for the advantage of these sheep farms to have additional arable land attached to them?¹

It was well known that the total acreage of arable land in Sutherland was disproportionately small; out of a total 1,207,188 acres, only 28,711 were under cultivation and this meant that the large sheep farmers were obliged to send their flocks into Caithness and Ross-shire for winter feeding, as sufficient food-stuffs could not be grown locally.² The reclamations, using the most modern agricultural technology and theory, aimed to create neat and productive fields from land lying in a state of nature, by removing all stones and other obstacles, ploughing it over, fertilising it and cropping it, so that Sutherland sheep farmers would no longer have to line the pockets of farmers and suppliers from outside the county. As the Duke himself explained to visiting Caithness farmers at his Kildonan works, 'The great object of course, is to increase the stock which

¹ Staffordshire County Record Office, [hereafter SCRO] D593/K/1/8/10, Loch to Mackenzie, 8 Mar. 1869.

² C. G. Roberts, 'Sutherland Reclamation,' *Journal of the Royal Agricultural Society of England*, 2nd series, 15 (1879), 398.

these hills will bear, and which is necessarily limited at present from the want of winter keep.'³

Works on the same principles had been commenced and completed elsewhere in England, lowland Scotland and in other Highland counties. But the Sutherland works were on the largest scale ever attempted in Britain, in terms of both acreage developed and financial investment of the landowner. There were two main areas where reclamation was attempted; the first, known as the Lairg works, were on the north bank of Loch Shin, six miles from Lairg railway station. They encompassed approximately 1,500 acres and were where the most money was invested. The second works were in the strath of Kildonan and were more modest in financial terms, though they covered the vast area of 44,000 acres. These were the two main areas of activity, but there were two other, much smaller, model farms being reclaimed in Assynt and Tongue.⁴ By far the most significant of the two was the creation of a model farm at Clashmore in Assynt: significant because the extension and reclamation of land for this farm necessitated the removal of a number of crofters, the results of which are dealt with in Chapter Five. Connected to these reclamation works, and set up to complement them, were various industrial works, centred mainly at Brora on the east coast, including a coal mine, brickworks and lime kilns. These works were set up on the basis that it would be cheaper in the long run for the estate to produce its own tools and fuel for the works, rather than having to import them.⁵ The sheer size of these projects were reflected in the money spent by the estate; the total cost was eventually calculated at £240,000, a vast sum, roughly breaking down into £20,000 per year over twelve years out of a total rental roll of £69,000 per annum.

It is certainly striking, when looking at the scale of vision and expense of these reclamation works, especially in a purely Highland context, that they are

³ SCRO, D593/P/24/7/6, cutting from *Northern Ensign*, 12 Sept. 1878. The cost of wintering was a recurring complaint and when low prices did not offset these costs, as in 1868, sheep farmers could be in serious financial trouble. See W. Orr, *Deer Forests, Landlords and Crofters: the West Highlands and Islands in Victorian and Edwardian Times* (Edinburgh, 1982), 16; R. Perren, 'The Effects of the Agricultural Depression on the English estates of the Dukes of Sutherland, 1870-1900,' Unpublished PhD thesis (University of Nottingham, 1967), 19-20.

⁴ *Highlander*, 16 Sept. 1876. Please see Map.

⁵ Perren, 'Agricultural Depression,' 25-26.

rarely mentioned in modern histories of the region.⁶ Yet, it will be argued here that these reclamation works were significant outwith their Sutherland context. The 1870s were a decade of deepening mistrust and antagonism towards Highland landownership, criticised for its allegedly high-handed and profit-driven management, but the Duke of Sutherland, through the reclamations, was identified as an exception to this negative rule.⁷ The 3rd Duke was variously complimented for his, 'energy and generosity,'⁸ and described as a, 'true nobleman, and far above the vulgarity of those owners of property who in the spirit of mere dealers in land who never venture on Improvements unless they are sure of a speedy return in the base form of pounds, shillings and pence.'⁹ This praise is doubly astonishing when viewed in the unforgiving light of the Leveson-Gower family's past history and public image concerning the Sutherland estates. Then, as now, the family was chiefly remembered for policies from 1809 to 1821 that resulted in wholesale clearances of small tenants from the interior straths of Sutherland.¹⁰ The travails of the Sutherland clearances were fixed in the popular memory, backed by many publications; some listing eyewitness accounts, others deconstructing the ethos of political economy that made them possible.¹¹ When the Napier Commission visited Sutherland in 1883, the evidence given by crofters and their supporters was littered with references to these events.¹² Why was it that the negative and damning clearances stuck in the popular mind and not the great reclamation works undertaken only a few years before the start of the Crofters' War and the arrival of the Napier Commission? These are some of the questions that will be

⁶ For example, in J. Hunter, *The Making of the Crofting Community* (Edinburgh 1976); I. M. M. MacPhail, *The Crofters War* (Stornoway, 1989); E. A. Cameron, *Land for the People? The Scottish Highlands and the British Government c1880-1925* (East Linton, 1996); R. H. Campbell, 'Too much on the Highlands? A Plea for change,' *Scottish Economic and Social History*, 14 (1994), 61-63.

⁷ *Times*, 7 Sept. 1872 and 14 Sept. 1872.

⁸ National Library of Scotland, [hereafter NLS], Sutherland Estate Papers, Acc.10225, Reclamations, 12, cutting from *Scotsman*, 17 Sept. 1872.

⁹ NLS, Acc. 10225, Reclamations, 12, cutting from *Scotsman*, 24 Aug. 1874, letter to the Editor from J.S. Blackie.

¹⁰ E. Richards, *The Leviathan of Wealth; the Sutherland Fortune in the Industrial Revolution* (1973), 253-4, 275-8.

¹¹ K. Marx, 'Sutherland and Slavery, or the duchess at home,' *People's Paper* (London, 1853); D. Macleod, *Gloomy Memories in the Highlands of Scotland* (Toronto, 1857); A. MacKenzie, *A History of the Highland Clearances* (Inverness, 1883).

¹² For example, PP 1884 XXXII-XXXVI *Report and Evidence of the Commission of Inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland*, [hereafter *Napier Commission Evidence*], 1597, 1603, 1610-11 and 1617-18.

addressed here. First, the practical and financial framework of the reclamations will be outlined, including whether they can be deemed a success or failure. Following that will be a section looking in more detail at the Sutherland clearances and the family's response to the Highland Famine of the 1840s and why the reclamations of the 1870s, compared to these events, are relatively forgotten. Some of the wider issues generated by the reclamations including the personal reputation of the 3rd Duke, general attitudes to land in the Highlands, both as an income generator and simply as a landscape, will be examined. Lastly, there will be an assessment of the political ramifications of the works through the burgeoning land debate, the Crofters War of the 1880s and the investigations of the Deer Forest Commission in the 1890s.

The reclamations throw into sharp relief the Sutherland estate management and form an essential context for both the crofting agitation in the coming decades and the 3rd Duke's investment activities in other parts of the Empire. Although a unique event in terms of scale and expense, the reclamations are by no means unique in terms of style or direction of management. This can be seen in three ways. First, the personal influence and interests of the Duke were paramount; this style of directorship can be seen in every aspect of his career, from the development of the Strathpeffer Spa in Cromartie to his plans for railway building in the Middle East and Turkey.¹³ Second, much of the work for the reclamations was contracted out. For example, when in 1878 the Duke appointed an official Commissioner for the works, it was a Mr George Greig, an agent for Fowler and Sons, the steam plough manufacturer based in Leeds who was chosen; an outsider, in relation both to the existing estate management and the county. This decision was typical of the Sutherland estate's policy, and was perhaps inevitable due to the vast size (1.3 million acres) of the estate. With this much land to cover, the estate could not always rely on local knowledge to be specialised enough. Third, and perhaps most importantly, the reclamations can be seen in wider terms of the estate management's central aim when dealing with its acres in Sutherland: to make them economically self-

¹³ E. Richards and M. Clough, *Highland Life: Cromartie, 1650-1950* (Aberdeen, 1989), 257, 269; D. Cannadine, *Aspects of Aristocracy: Grandeur and Decline in Modern Britain*, (London, 1994), 60 and J. Forbes Munro, *Maritime Enterprise and Empire: Sir William Mackinnon and his Business Network, 1823-1893* (Suffolk, 2003), 215-221, 287-90.

sufficient.¹⁴ This had been the professed aim of the estate since the early nineteenth century and explains the willingness of the family to divert large revenues from its other assets in order to fund huge capital expenditures in Sutherland, firstly on roads and the creation of sheep farms up to the 1850s, then on railways in the 1860s and finally on the reclamations in the 1870s. No equivalent expenditure was lavished on the estate after the end of the reclamations in the early 1880s, for the simple reason that the policy had failed. Despite all the plans, funds and hopes the estate had pinned on these various measures over the course of seventy years or so, the Sutherland family's Highland estates were still not a financial success.

Practical Matters

The Sutherland reclamations were the largest works of their type ever attempted in Britain, and necessarily with such a large project, the motivations behind them were complex. For the estate itself the main motive was financial. An increase in the arable acreage of the estate, it was deemed, would bring in increased rents as the sheep farmers, who made up over one third of the overall rental roll, would not have to winter their sheep elsewhere. The preliminary report made by William Mackenzie and Kenneth Murray into the potential for land reclamation in Sutherland hammered this point home,

The rental of these [farms of Dalchork, Shiness and Achandnich] we have no hesitation in stating, with good management and a little expense could be doubled, with more than treble the number of respectable tenants...We see no reason why a single sheep from this extensive tract of land should be sent out for wintering...We could not help thinking that what we saw was the Garden of Sutherlandshire although

¹⁴ J. Loch, *An Account of the Improvement on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the estate of Sutherland* (London, 1820), 60, 168; E. Richards, *Patrick Sellar and the Highland Clearances: homicide, eviction and the price of progress* (Edinburgh, 1999), 8 and Perren, 'Agricultural Depression,' 19-20.

in a state of nature. We are satisfied that these places are not bringing the third of the rental they are capable of producing.¹⁵

This desire to put the estate on a sound economic footing was part of a more general and long-standing drive on the part of the estate management to make the Sutherland acres self-sufficient. By portraying land on the estate as 'waste,' with untapped profit potential, Mackenzie and Murray were appealing to the Duke's business sense, and to his undoubted enthusiasm for the latest steam technology. Although secondary to the financial motives of the estate, the Duke's personal interest in modern scientific methods of cultivation did affect the nature of the reclamations. The Duke invested huge sums in buying and modifying steam ploughs, sometimes to his own design; money that some observers, not least his own Commissioner, thought extravagant. This was because the engines, although powerful and time-saving, were not cheap to run and did not save on labour costs; up to one hundred men were needed on each site to clear the plough's path and get it out of frequent difficulties.¹⁶ They often broke down, wasting time and requiring expensive repairs. It was also costly to run, one observer claiming, 'they needed a coalmine in front of them and a river of water behind them in the field where they were at work.'¹⁷ It is possible that the Duke first became aware of the steam plough in Egypt in 1863, when an employee of Fowler and Co. of Leeds was giving demonstrations of its prowess on the banks of the Nile. The Duke, 'fired by wonderful visions of what might now be done with the aid of steam,' regarded Sutherland as a likely object to benefit from this technology.¹⁸ He invested in eight Fowler steam plough sets and seven traction engines and personally modified the design to cope with the especially rocky ground.¹⁹ In 1873, the Duke was elected as a Fellow of the Society for the Promotion of Scientific Industry, presumably for these efforts.²⁰

These were the two main motives behind the works, but as time passed and it became clear to the estate that the reclamations were a financial and

¹⁵ SCRO, D593/K/1/8/10, Report by Mackenzie and Murray to Loch, 29 Jun. 1869.

¹⁶ G. E. Mingay, *Land and Society in England, 1750-1980* (London 1994), 195-6.

¹⁷ H. Bonnett, *The Saga of the Steam Plough* (Newton Abbot 1965), 78.

¹⁸ Bonnett, *Steam Plough*, 54.

¹⁹ Bonnett, *Steam Plough*, 54.

agricultural failure, other motives were flagged up. The Duke was seen as undertaking the works at great financial loss for reasons of 'patriotism,' dutifully investing in his heritable estates, and in a wider sense, British agriculture, which by the late 1870s was ailing. The way some reports in the press presented it, the Duke had never expected a financial return, but only a moral one,

There is reason to believe that, in these great enterprises, the Duke of Sutherland has been actuated by public spirit and patriotism, in the highest and purest sense of the word, much more than by commercial considerations.²¹

There is no evidence of this being an original motive for these reclamations, but the estate did know how to effectively use this positive comment when it appeared, as will be demonstrated later.

Why this praise was taken up so whole-heartedly by the agricultural and general press, and why so little criticism was made of the works can be explained by the general agricultural background of the time. From the 1850s, despite the doom-mongering of those opposed to the abolition of the Corn Laws, British agriculture had prospered and continued to do so right up to the late 1860s, undergoing a period of development known as 'High Farming.' The idea behind 'High Farming' was to use modern, scientific techniques and equipment, such as steam ploughing, to increase yields. It demanded heavy capital investment in greater mechanisation in return for good results of heavy crops.²² This type of farming was more common in England and lowland Scotland than in the Highlands, mainly due to the lack of good quality land, plus the lack of capital of many Highland landowners and their tenants after the debilitating years of the potato famine in the late 1840s and early 1850s.²³ The vast wealth of the Sutherland family, however, meant that those financial

²⁰ SCRO, D593/P/27/8/7, Certificate of election of the Duke to vice-president.

²¹ SCRO, D593/P/24/7/5, cutting from *John O Groat Journal*, 13 Aug. 1874.

²² J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (London 1966), 170-195; Mingay, *Land and Society*, 197-99; R. Perren, *Agriculture in Depression, 1870-1914* (Cambridge 1995), 4-5.

²³ T. M. Devine, *The Great Highland Famine: hunger, emigration and the Scottish Highlands in the Nineteenth century* (Edinburgh, 1988), 83-87.

restraints did not apply and moreover, doubts about the quality of the land, its high altitude and the generally adverse climatic conditions were confidently swept to one side.²⁴ It was a period in Highland history which has been labelled one of 'relative prosperity;' sheep and wool prices were high and resources from central management no longer needed to be diverted to prevent starvation among the small tenants.²⁵ By the late 1860s, it must have seemed like a good prospect to invest, firstly in the fortunes of the Sutherland sheep-farming fraternity, to make the most of favourable markets; and secondly, in the long-term value of the land itself, the family's most stable asset. Indeed, in one letter, Loch's impatience for action shines through, when he claimed that, 'these changes and improvements have been in my head for many years past,' but the estate had to wait until 1870 for the chosen farms to fall out of lease.²⁶ For instance, wool prices in 1869 were £1.2.0 and peaked in 1872 at £1.14.0. Similarly, cheviot sheep were selling at between 45 and 56 shillings in 1872.²⁷ As one distinguished visitor put it,

The theory of these improvements is excellent. It is simply to combine with extensive sheep ranges a cultivatable area sufficient to raise winter food for the stock which might be largely increased if keep for them in winter could be provided.²⁸

It was not to be, however. Just as the reclamations were on the cusp of completion, the bottom fell out of the market for sheep and wool and any hopes of financial benefit had to be slashed. There was a sharp fall in prices and a downward turn in agricultural markets in the late 1870s, from which there would be little recovery for the next two decades.²⁹ Potential tenants of the

²⁴ Devine, *Highland Famine*, 89-90; D. Spring, 'The role of the Aristocracy in the Nineteenth century,' *Victorian Studies*, 4 (1960), 59 and D. Cannadine, 'Aristocratic Indebtedness in the nineteenth century: the case re-opened,' *Economic History Review*, 2nd ser., 30 (1977), 628, 642.

²⁵ Hunter, *Crofting Community*, 107-8; T. M. Devine, *Clanship to Crofters War: the social transformation of the Scottish Highlands* (Manchester, 1994), 222.

²⁶ SCRO, D593/K/1/8/10, Loch to Murray, 12 Jul. 1869.

²⁷ Orr, *Deer Forests*, Appendix One, 157-9.

²⁸ SCRO, D593/V/6/79, *Report on the Sutherland Reclamations by the President and Secretary of the Scottish Chamber of Agriculture*, July 1878.

²⁹ Orr, *Deer Forests*, 12, 16-17.

newly reclaimed farms were made wary by these adverse market conditions. As it became clearer that it was proving impossible to attract large tenants to take the farms, the estate management pressed forward on a new front; that some of the reclaimed land would go to small tenants. There were some vague ideas of this from the planning stages of the works, when Loch requested whether it was possible that,

It might not usefully be erected into small independent farms of 40 or 50 acres each for the purpose of encouraging a class of tenantry intermediate between the small tenants and the Great Farmers, which is an object much to be desired for many reasons.³⁰

This objective serves to demonstrate two wider points about the estate; first, that it was sensitive to criticism of Highland landownership for having encouraged the growth of large lucrative sheep farms, at the expense of a 'middle' class which would benefit Highland society more widely. Secondly, the estate was capable of, and indeed had, the power and will required to carry out this type of social engineering. Just as it had created huge sheep farms fifty years earlier, it could also choose to transform them and absorb the possible financial loss that change would entail. It must be borne in mind that at no point was the estate going to give large acres of reclaimed land to the smallest tenants, the crofters. Indeed, only eight crofters were placed on the reclaimed land, despite J. S. Blackie's optimistic hopes of, 'a due allotment of small crofters,' being given back the land in the county that could be said, 'a mania of large farms raged most virulently.'³¹ The Duke, in a speech to some visitors to the reclamations laid out the objectives,

I shall propose to divide Bannockburn [Kildonan] into five small farms of 100 acres each, with a good large outrun, so that a farmer coming there, and working with his family,

³⁰ SCRO, D593/K/1/8/10, Loch to Mackenzie, 8 Mar. 1869.

³¹ NLS, Acc. 10225, Reclamations, 12, cutting from *Scotsman*, 24 Aug. 1874, letter to the Editor from J. S. Blackie.

might get along comfortably with a small capital of £500 or £600. I trust to see a prosperous and thriving people started up there.³²

There is no mention here of the very smallest tenants, despite the re-population rhetoric; obviously, crofters did not have £500 of capital to invest. This soon became clear to interested observers and by 1880, some criticism in the press started to appear,

We have been very ready to give the present Duke of Sutherland credit for all the good he has been trying to do. Nay we have, as it turns out, given him credit for what he has not done at all; we refer to the anticipation entertained that there was to be a large proportion of peasant farmers to be established on the reclaimed lands at Shiness, when all we have are just seven.³³

The only benefits for crofters were from day-to-day labouring on the works, but this was of short-term benefit only. Employment on the works was only available for a few years and clashed inconveniently with the busy times of spring and autumn in the crofting and fishing year. One critic expressed the situation in these terms,

While the works are in progress they do a *temporary* good to a great many by giving them employment; but when the farm is cropped all this is at an end...What are the few shepherds and farm labourers employed on these farms compared to the number of families that could be supported in comfort?³⁴

At one point it had not even been the estate's intention to use local labour. There was some discussion during the running of the Kildonan works over the

³² SCRO, D593/P/24/7/6, cutting from *Northern Ensign*, 12 Sept. 1878.

³³ *Highland News*, 14 May 1880.

³⁴ SCRO, D593/P/24/7/6, cutting from *Highlander*, 27 Oct 1877.

potential benefits of importing convict labour into Sutherland to do the work for free. The Commissioner for the reclamation works, George Greig, spoke in glowing terms of the possibilities of convict labour, 'as a national economy,' and, 'as a practical undertaking which would give satisfactory returns.'³⁵ At least two thirds of the total cost of the works was expended on labourers' wages, a fact oft-quoted to pro-crofter interests in the 1880s and 1890s, but this expenditure would have been happily side-stepped by the estate if the practicalities of organising convict labour had been feasible. Most of the actual work was contracted out to private individuals or companies under the overall management of the Duke and Loch, and then Greig. But Loch grew increasingly concerned about the quality of the work done, although his primary concern was the finances. He criticised one of the reclamation contractors, Mr MacLennan,

It rather struck me that he was trying to please the Duke by appearing to regard the performances of the steam plough, and the work executed by it, as being more complete than they really were...but unfortunately MacLennan has committed himself to an opinion that it would take £14 per acre to trench this ground by contract...in my belief it may be done for less.³⁶

George Loch certainly was keen to see the Duke invest in the land in order to increase the returns from the relatively unproductive Sutherland estates. Once the works had started in earnest, however, Loch became increasingly concerned, not to say frantic, over both their slow progress and their escalating cost. He expressed his fears in his almost daily correspondence with Joseph Peacock, the Dunrobin factor, constantly complaining about the expense, which exceeded the estimates from the very beginning, 'I am getting very anxious about all this outlay, it is getting very enormous – much larger than, I think,

³⁵ NLS, Acc. 10225, Reclamations, 27, Greig to Wright, 22 Oct. 1881. This was not an uncommon idea. See R. Johnston, 'Charity that heals: the Scottish Labour Colony Association and attitudes to the able-bodied unemployed in Glasgow, 1890-1914,' *Scottish Historical Review*, 77 (1998), 83, 87-88.

³⁶ NLS, Acc. 10225, Policy Papers, 93, Loch to Peacock, 1 Dec. 1872.

the Duke is aware of.’³⁷ These fears were repeated again and again, but Loch had little control over the Duke when he took such an enthusiastic personal interest. Loch may have been worried about this lack of restraint; control of estate finances was his main mechanism of influence over subordinate factors, but he could not contend with the Duke.³⁸ Loch had encouraged the principle behind the reclamation works, but by no means supported the scale on which they were being carried out, fearing (rightly) that any financial return was being lost, as the estimates were repeatedly pegged higher and higher. By 1877, Loch was in despair over the new project being proposed in Kildonan, writing despondently to Peacock, ‘It is also in contemplation to do the reclamation works in Kildonan by contract. It would have been better to have abandoned these works altogether, but short of that the proposed measure is perhaps as good as any that could be adopted.’³⁹

Other estate staff also thought the reclamations, or at least the scale on which they were being carried out, were a mistake. Evander McIver, the Scourie factor, when asked to give evidence to the Deer Forest Commission in 1893, outlined his objections, ‘it is a very poor speculation. The district is so rocky and hilly, with deep mosses inter-mixed and the climate is so adverse and wet that arable farming is carried on under great difficulties...from which good returns were never obtained.’⁴⁰ It is clear then, that the existing management structure ‘on the ground’ did not have high hopes as to the success of these works, once the extent of the expense was clear, either financially or agriculturally.⁴¹

A detailed survey of the financial outlay now follows;

³⁷ NLS, Acc. 10225, Policy Papers, 95, Loch to Peacock, 24 Nov. 1873.

³⁸ Perren, ‘Agricultural Depression,’ 5.

³⁹ NLS, Acc. 10225, Policy Papers, 102, Loch to Peacock, 20 Mar. 1877.

⁴⁰ PP XXXVIII-XXXIX, 1895 *Report and Evidence of the Royal Commission (Highlands and Islands)*, 1892, [hereafter *Deer Forest Commission*], McIver, 753.

⁴¹ E. McIver, *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander McIver of Scourie*, (ed.) Rev. Geo. Henderson (Edinburgh, 1905), 118.

Date of Commence-ment	Farm	Acres arable	Reclamation £	Building £	Farming £	Total £
1873	Colaboll	345	17,506	2,619	4,868	24,993
1874	Achnanerain	330	14,476	2,263	3,598	20,337
1875	Achadaphris	475	17,866	3,225	13,288	34,379
1875	Lubvrec	405	17,970	3,020	15,027	36,017
1876	West Shiness	217	7,324	-	1,746	9,070
1876	Achnanerain Lots	37	958	651	229	1,838
1875	Achadaphris Lots	20	770	1,084	154	2,008
1873	Dalchork	103	3,547	-	442	3,989
1870	Balloan	90	3,635	1,158	694	5,487
1875	Embo	137	4,319	-	-	4,319
1877	Kildonan	1312	64,581	-	-	64,581
1858	Crofters advances at interest	-	3,852	-	-	3,852
Totals		3,471	156,804	14,020	40,046	210,870

Table one: Abstract of expenditure on Reclamation of land, buildings and farming to 31 Dec. 1886⁴²

This table covers all expenditure up to 1886, and in total adds up to just over £200,000 spent over thirteen years, a vast outlay and one without a comparable British rival during the period. Where did this money come from? Most came from the revenues of the Scottish estates, roughly £70,000 per annum, pushing them firmly into the red. The 3rd Duke also sold government stocks in the late 1870s and early 1880s to the value of £99,492 and raised a further £14,000

from the sale of pictures from Stafford House.⁴³ As a short-term measure, the Duke, with the permission of his son, Lord Stafford, raised two loans of £100,000 each.⁴⁴ This caused great consternation in the rest of the family, who saw it as unnecessary expenditure that would deplete the family's future capital resources. They unsuccessfully took the Duke to the Court of Session to try to prevent the raising of the second loan in 1890, but as the Judge ruled, 'the Duke and Marquis in succession [could] burden the estate at pleasure and from time to time.'⁴⁵ The family's worries turned out to be unnecessary, as the Duke paid out all his outstanding debts a few months later, in October 1890.⁴⁶ Some personal economising was also considered. For instance, the Duke cut back the number of servants in his employ, but this economising should be put into perspective; the Duke still felt comfortable enough to spend over £30,000 on yachting from 1884-88;⁴⁷

⁴² NLS, Acc. 10225, Reclamations, 5, 'Abstract of expenditure on Reclamation of land, buildings and farming to 31 Dec. 1886.'

⁴³ E. Richards, 'An Anatomy of the Sutherland Fortune: income, consumption, investments and returns, 1780-1880,' *Business History*, 21 (1979), 66.

⁴⁴ Richards, 'An Anatomy,' 66.

⁴⁵ NLS, Acc. 10225, unknown series, cutting from *Inverness Courier*, 7 Jul. 1890.

⁴⁶ Perren, 'English Estates,' 38.

⁴⁷ Perren, 'English Estates,' 43, 45.

Year	Expenditure on yachting £
1884	3048.8.5
1885	2718.13.0
1886	9607.6.2
1887	9691.13.14
1888	6845
Total	31,910.10.3

Table two: Expenditure on yachting by the Duke of Sutherland, 1884-8⁴⁸

These sums were nothing to the yearly consumption of the family on clothes, food and entertaining. Annual expenditure on this was well over £30,000 and did not include the duties and jointures that were also the Duke's responsibility.⁴⁹ For instance, the 3rd Duke made over the Cromartie estate to his second son in the 1860s in order to provide him with a fitting income.⁵⁰ But despite the fact that it was possible for the estate to absorb these losses on a short-term basis, it did mean selling off valuable capital assets to do so, weakening the fortune of the family for future generations.⁵¹ It did not help that the reclamations and the industrial works associated with them were also unmitigated financial disasters, with no monetary return even in the extremely long run.

Before going on to examine the financial returns on the works, it may be useful to construct a brief comparison between expenditure on the reclamations (intended to benefit sheep farmers), and estate grants to the small tenant population, thereby putting the expenditure on the reclamations into a different perspective. The estate management claimed before the Napier Commission in 1883 that they had invested £1 million in Sutherland since 1861 as evidence of

⁴⁸ SCRO, P/24/3/7, List of expenditure on yachting in the 1880s; D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 372-73.

⁴⁹ Richards, 'An Anatomy,' 55.

⁵⁰ Richards, 'An Anatomy,' 51.

⁵¹ Richards, 'An Anatomy,' 65.

their benevolence towards the small tenants.⁵² Just under a quarter of this sum, £210,000, was spent on the reclamations. In his statement, Sir Arnold Kemball, then Commissioner for the estates, specified that the total expenditure solely for the benefit of crofters over the past thirty years had totalled £29,108, or a yearly average of just £970.⁵³ This figure excludes that noted in Table one (see above) for crofter reclamations since 1858 of £3852.⁵⁴ These figures demonstrate that although the estate can accurately claim to have invested large sums of unrecoverable money into Sutherland, very little of this investment trickled down to the crofters' level.⁵⁵

Lastly, the question whether the reclamations were a financial or agricultural success must be addressed. The agricultural aspect will be looked at first, as much of the initial media comment surrounding the reclamations highlighted the fact that although they were unlikely to be remunerative in the third Duke's lifetime, this individual pecuniary sacrifice was for the wider benefit of British agriculture. It was only in 1878, once the Loch Shin works were being completed and new works at Kildonan being initiated, that a number of independent experts inspected the works and made some telling criticisms.

The party from the Scottish Chamber of Agriculture which visited and reported on the Lairg works in 1878 questioned the validity of the method of reclamation followed by the estate, 'it was doubted whether that system (which was different from any practised in the experience of the party) would be successful.'⁵⁶ These doubts were occasioned by concerns over the quality of the topsoil created by the ploughing, liming and fertilising processes; they feared that it was too shallow in depth and that any value it did hold would be 'dissolved' and disappear after the first cropping.⁵⁷ This report, however, was fairly generous compared to two others made at the same time. The first of these was a report by a representative of the Royal Agricultural Society of England in 1879, who criticised the lack of knowledgeable supervision of the

⁵² SCRO, D593/V/6/82, R. M. Brereton, Pamphlet, 'A Word on the Duke of Sutherland's estate management,' 1887 and Richards, 'An Anatomy,' 63-64.

⁵³ *Napier Commission Evidence*, Kemball, 2522.

⁵⁴ See above, Table 1, 11.

⁵⁵ Richards, 'An Anatomy,' 67.

⁵⁶ SCRO, D593/V/6/79, 'Report of the Scottish Chamber of Agriculture,' 1878.

⁵⁷ SCRO, D593/V/6/79, 'Report.'

work.⁵⁸ This problem stemmed from the fact that the works were so large; insufficient experienced staff had been employed and this had resulted in some operations, especially draining, having been poorly executed and unlikely to be durable. Roberts' criticism reached beyond the supervisory level and attacked the quality of the labourers also, claiming that, 'many of those who first offered themselves for work proved anything but well-trained work men,' and noted the native Sutherland men as being, 'untrained to steady work.'⁵⁹ This point was repeated in another report, a private paper by one Mr Colin MacKenzie, whose relationship to the estate is not noted and who, among six points listing why the Loch Shin reclamations made a loss, listed, 'the character of the people,' specifying that, 'partly, it may be from constitutional causes, partly from their having been kept too much in tutelage, aided like children and healed like children, fall far behind the Ross-shire men in enterprise and energy.'⁶⁰ It was not only the workforce and its supervisors which were at fault however, but also the sites chosen for reclamation, which were at too high an altitude and in areas where the climate was not only unfavourable, but capable of destroying one year's work in a night.⁶¹ These were the criticisms made of the reclamation works, but the most startling evidence of failure was only uncovered in the 1890s, when it became clear what a tiny fraction of the land reclaimed in the 1870s was still under cultivation.⁶²

⁵⁸ Roberts, 'Sutherland Reclamation,' 441.

⁵⁹ Roberts, 'Sutherland Reclamation,' 467, 484.

⁶⁰ SCRO, D593/N/4/1/4, 'A few rough notes on the reclamation of wasteland in Sutherland and Ross-shire,' by C. MacKenzie, 1879.

⁶¹ SCRO, D593/V/6/82, Brereton, 'A Word'; N/4/1/4, MacKenzie, 'A few rough notes'; Roberts, 'Sutherland Reclamation,' 436.

⁶² NLS, Acc. 10225, Reclamations, 42, 'Statement as to the reclaimed farms and lands Jan. 1893.'

Parishes	Farms	Total acres reclaimed	Area now cultivated 1893
Lairg	Achadaphris	475	c.100
	Achnanerain	330	0
	Achnanerain Lots and crofts	37	37
	Colaboll	345	c.300
	Lubvrec	405	0
	Dalchork	103	c.80
	Achadaphris Lots	20	20
	West Shiness	217	0
Kildonan	Achintoul &Blaimhar	508	c.160
	Claggan	260	30
	Badanloch&Na maine	153	0
	Lochside&Ban nockburn	323	0
	Kinbrace	71	30
Totals		3247	757

Table three: Statement as to the reclaimed farms and lands, January 1893.

These figures, put together by the estate for the visit of the Deer Forest Commission in 1893, show that less than one third of the reclaimed land was still in use ten years later; a damning figure and one which clearly vindicates the criticisms and doubts of the visiting agricultural experts.⁶³ One additional point clearly demonstrated by this table was that the small acreages that were

⁶³ P. T. Wheeler, 'Landownership and the crofting system in Sutherland since 1800,' *Agricultural History Review*, 14 (1966), 51.

allotted to crofters, the Achadaphris and Achnanerain lots, were (uniquely), all still in cultivation in 1893. Whether this was because the crofters were more successful farmers, or that small acreages were more likely to be successful or that they had no choice but to cultivate what they could get, is not clear.

The litany of failure continues when the financial record is examined.⁶⁴ Roberts expressed the feelings and suspicions of many observers,

A suspicion that, after all, it was merely the expensive amusement of a wealthy proprietor, justified chiefly on the grounds that a nobleman might as well create farms out of moorland for his pleasure as keep an expensive stud of racers.⁶⁵

This table, put together by the estate in the late 1880s, demonstrated how little financial return, in the form of increased rents, the estate received.

⁶⁴ 5th Duke of Sutherland, *Looking Back: the Autobiography of the Duke of Sutherland* (London, 1957), 33.

⁶⁵ Roberts, 'Sutherland Reclamation,' 484.

Date of Reclamation	Farm	Acres Arable	Total Expenditure £	Expenditure per acre £	Present Rent £	Old Rent £
1873-75	Colaboll	313	22,953	73.6.7	147.1.4	
1874-76	Achnanerain	330	20,337	61.12.6	170.3.0	
1875-77	Achadaphris	475	32,314	68.0.7	205.0.0	
1875-77	Lubvrec	405	31,947	78.17.7		
1876-78	West Shiness	217	9,070	41.16.0	360.0.0	359.15.0
1876-77	Achnanerain Lots	69	3,918	56.15.7	43.2.6	
1875-77	Achadaphris Lots	20	2,008	100.8.0	33.13.7	
1877-82	Kildonan	1316	57,918	44.0.3	1241.9.4	1040
Totals		3,145	180,465	57.8.4	2200.9.9	1399.15.0

Table four: Lairg and Kildonan reclamations, statement as to cost and rent of farms, 1883.⁶⁶

After spending £210,000, the estate had generated a rent increase of £200 per annum. These depressing figures sunk even lower as the years passed and many of the acres reclaimed at vast expense fell back into a state of nature. The reasons behind this failure were two-fold. The first was that the actual expenditure on reclamation exceeded all sensible limits, especially at the Lairg site. As early as 1875, Loch was fretting that, ‘the position of the banking account is becoming very serious, as it did last year; even to a greater degree.’⁶⁷ Most comment on the reclamations from outside the estate also focussed on this huge expenditure, and although approval was usually expressed at the Duke’s willingness to pay, there was some concern that, ‘whether they will remunerate

⁶⁶ NLS, Acc 10225, Reclamations, 5, Table: statement as to cost and rent of reclaimed farms, 1883.

⁶⁷ NLS, Acc. 10225, Policy papers, 98, Loch to Peacock, 9 Jun. 1875.

the enterprising owner, seemed...doubtful.’⁶⁸ The second reason why no return was made was due to a wider slump in British agriculture from 1879. That year, prices for sheep and wool fell steeply, undermining the position of the sheep farmers for whom the estate had laid out such huge sums.⁶⁹ In 1870, the estate had taken the Shiness lands in hand as farms fell out of lease, so that the reclamations could be carried on entirely by the landowner, halting the rental revenue from those farms. But just as the finished works were being advertised on the market, prices were dropping and tenants were unwilling to take on the new expanded farms created by the Duke.⁷⁰ As one witness confirmed to the Napier Commission in 1883, ‘It is a fact now, is it not, that these very large sheep farms are so difficult to let, that it is almost impossible to get tenants? – That is coming to be the case.’⁷¹ The estate was forced to repeatedly advertise the farms and eventually take some in hand, along with the sheep stock at great financial loss. When questioned about the reclamations at Clashmore by the Deer Forest Commission, Evander McIver bluntly claimed that, ‘it turned out a very unfortunate speculation, so much so that the Duke of Sutherland never got a farthing of rent for the whole thing.’⁷² At least ten years before this, however, it had been clear to the estate management that the estimated expenditure had been vastly exceeded and that returns for the estate were likely to be extremely low. In 1878, the Duke admitted, ‘that I do not expect a large per centage on my outlay; but my boy will reap some benefit of it, and as the money would likely have gone at any rate, I do not consider this a bad way of spending it.’⁷³ This cavalier attitude could not disguise the fact that the works had turned out to be a white elephant. George Loch had issued warnings almost every month when he received the accounts, but had been unable to curb the Duke.⁷⁴ As one newspaper accurately observed, the possible good, both financial and social, of the works had been secondary to the Duke’s need to, ‘gratify his craze for steam tillage.’⁷⁵ The end result was summed up by Kemball in front of the

⁶⁸ SCRO, D593/V/6/79, Report by the Scottish Chamber of Agriculture, 1878.

⁶⁹ Orr, *Deer Forests*, 20; Perren, ‘Agricultural Depression,’ 25.

⁷⁰ Orr, *Deer Forests*, 15, 18.

⁷¹ *Napier Commission Evidence*, Rev. John MacKay, Free Church minister, Strathnaver, 1642 and *Deer Forest Commission Evidence*, Donald MacLean, 640.

⁷² *Deer Forest Commission Evidence*, 721 and McIver, *Memoirs of a Highland Gentleman*, 119.

⁷³ SCRO, D593/P/24/7/6, cutting from *Northern Ensign*, 12 Sept. 1878.

⁷⁴ Perren, ‘Agricultural Depression,’ 35–36.

⁷⁵ SCRO, D593/P/24/7/11, cutting from *Highland News*, 23 Jul. 1887.

Napier Commission, 'Can you say what the returns have been in connection with this great expenditure? – I have calculated that on the reclamations it is nil.'⁷⁶ Not only had the estate failed to make any return on its massive investment, but it had also failed to set any great agricultural example, both in terms of scientific technique or financial economy.

⁷⁶ *Napier Commission Evidence*, 2526.

Historical Context and Family Image

Lairg by J. S. Blackie⁷⁷

Along the bare slope of the broad brown brae,
 Beneath the cold grey-blue October sky,
 What thing is that which smokes and snorts away,
 Mingling strange shrillness with the peewit's cry?
 'Tis the stout carriage of the Titan Steam
 Which the brave Duke hath marched into this land
 The savage moor from the wilderness to redeem
 By gracious force of Labour's fruitful hand.
 O! It brings marrow to the bones to see
 The right man sometimes in the right man's place
 Who knows his work and from weak wavering free
 Holds his sure course, and moves with measured pace;
 Even as this Duke subdues the angry mould
 Tames the harsh rock, and turns the clay to gold.

This sonnet by Blackie highlights a number of themes which will be explored in this section. Primarily, it expresses a romantic view of the Highland landscape, of, 'broad brown brae,' and the 'savage wilderness;' but juxtaposed with this is the moral challenge of taming and redeeming this landscape, as a Victorian imperialist might do to a foreign race. How does this redemption take place? By the power of the latest technology, 'Titan steam'; but not this alone. For all this to have happened there needed to be the, 'right man,' 'the brave Duke,' to put all this action into motion.

The Sutherland reclamations were unique in nineteenth-century British agriculture, in terms of scale of both acreage and expenditure. They need to be placed in a wider context, however, both in Sutherland and the rest of the Highlands, to expose their broader importance. This section will examine the

⁷⁷ NLS, Acc. 10225, Reclamations, 5, cutting from *Scotsman*, 24 Aug. 1874, letter to the Editor from J. S. Blackie.

reclamation works alongside the infamous Sutherland clearances of 1809-21 and the family's response to the catastrophic famine in the late 1840s. There are two motives behind this comparison; the first is the many similarities that can be drawn between the reclamation works of the 1870s and the clearances of the early nineteenth century. Both were attempts by the estate to make Sutherland's acres self-sufficient and huge amounts of capital were sacrificed to try to achieve this – both failed.⁷⁸ Secondly, it was the clearances that the Sutherland family were chiefly remembered for; not their expenditure on relief for the small tenants during the famine years, or the reclamation works which generated a plethora of positive media comment in the 1870s. Why this might be so will be addressed below. The second part of this section will concentrate on wider issues generated by the reclamation works. These include the perceived role of the aristocracy through the person of the third Duke: a three-fold image of the 'dutiful' aristocrat, the clan leader, and the noble as businessman. There are two further contexts to examine beyond that of the individual: the popular images of the Highlands and the relationship between nature and agriculture there.

It can be argued that one of the central aims of the Sutherland family throughout the nineteenth century was to make the Sutherland estate economically self-sufficient.⁷⁹ There were two main attempts to achieve this, both necessitating vast amounts of capital expenditure and both spanning just over ten years. The plan of William Young and Patrick Sellar in the early nineteenth century was to radically change the whole structure of the estate; to concentrate the population on the coasts, so providing them with employment in either fishing or home industries, and allowing the interior to be turned over to sheep farming.⁸⁰ As James Loch, the Commissioner who oversaw these changes later wrote,

It seemed as if it had been pointed out by Nature that the system for this remote district, in order that it might bear its suitable importance in contributing its share to the general

⁷⁸ Richards, 'An Anatomy,' 66.

⁷⁹ Loch, *An Account*, 60, 168; Richards, *Leviathan of Wealth*, 229-30, 235, 288.

⁸⁰ Richards, *Leviathan of Wealth*, 175-177.

stock of the country, was to convert the mountainous districts into sheep walks and to remove the inhabitants to the coasts.⁸¹

Loch despised the inefficiency of the existing system, where a poor population struggled to make a living in the straths, when a short move to the coasts would give them gainful employment and with the more regular rents from them and the new high rents of the sheep farmers, the estate could also prosper.⁸² Just as in the reclamation works of the 1870s, the estate was expecting a financial return for its investment. In all, from 1811-33 a total of £500,000 was expended and from 1811-20 no income was received from Sutherland at all.⁸³ The aim behind these works had been to secure a viable and profitable economy in Sutherland, and a higher rental for the family.⁸⁴ The policy failed in both these aims, and more significantly, the clearances caused suffering to the small tenant population which would rebound upon the estate again and again in the future.

The Sutherland clearances had transformed the economic structure of the Sutherland estate, but they had failed to make it self-sufficient. In the late 1860s, the estate decided that to make the land profitable, they would literally have to create it from scratch, through reclamation. The Duke and his advisors genuinely believed that the steam plough could lead the way in conquering the bogs and wastes that dominated his northern estates and turn them into neat and profitable fields. Such high hopes did the Duke have of this result, that he confidently declared in 1878 that, 'I hope to deal with a good more of Sutherland in the same way.'⁸⁵ It was not, however, to be. Just as with the clearances, the reclamations were a financial failure; the estate did not become self-sufficient and there were no returns, even for future generations.

The question to be addressed now is why, given the similarities between the two projects, did the clearances stick in popular memory, while the reclamation works faded from it? As *The Scotsman* pompously stated in one article,

⁸¹ Loch, *An Account*, 72; A. Russel, 'The Highlands – Men, Sheep and Deer,' *Edinburgh Review*, 106 (1857), 487, 490.

⁸² Loch, *An Account*, 47-51; Richards, *Leviathan of Wealth*, 164-65, 197-98, 224.

⁸³ Richards, *Leviathan of Wealth*, 216, 232.

⁸⁴ Richards, *Leviathan of Wealth*, 229-30, 232, 235.

⁸⁵ SCRO, D593/P/24/7/6, cutting from *Northern Ensign*, 12 Sept. 1878 and *Times*, 23 Jul. 1874.

Had the facts of the older transactions, known as the 'Sutherland Clearances,' been as fairly represented, or were now as well understood, as the facts of the present great works, it would be seen that both are of the same nature and directed to the same end – a vast outlay, with small hope of profit, but having for its result the improvement of the country and the people.⁸⁶

This was twisting the truth somewhat; the estate hoped for large financial returns in both cases, but the similarities are evident.⁸⁷

The main reason why the clearances were remembered more strongly than the reclamations was because their results were much more radical and crushingly permanent. The clearances directly affected most or all of the population of the estate, moving them permanently to the coasts. The fishing and industrial projects set up there failed, but the population movement was comprehensive. The injustice and occasional cruelty that had accompanied that movement was all the more damning because it failed to achieve its ultimate result: increasing the prosperity of the tenants and therefore of the estate. The infamous trial of Patrick Sellar for culpable homicide in 1817 connected with the clearances he carried out on behalf of the estate brought them to further, hostile public notice.⁸⁸ Again, estate expenditure during the Famine, although relatively generous, was only a short-term stopgap to prevent the starvation of the population.⁸⁹ By contrast, the reclamations affected a very small section of the population directly; a few hundred of the small tenantry were employed at the works, but they were aimed at benefiting an elite caste of sheep farmers and once completed quickly slipped out of use and faded back into waste to be all but forgotten, except of course in the estate accounts. This was the contrast: the clearances created a new and permanent framework of habitation and

⁸⁶ SCRO, D593/P/24/7/5, cutting from *Scotsman*, Oct. 1875.

⁸⁷ Cannadine, 'Aristocratic Indebtedness,' 643.

⁸⁸ Richards, *Patrick Sellar and the Highland Clearances*, 157, 162, 164, 184-197 and D. Meek, (ed.), *Tuath is Tighearna: Tenants and Landlords: An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation, 1800-1890* (Scottish Gaelic Texts Society, 1995), 190 'Satire on Patrick Sellar/Aoir air Pdraig Sellar,' by Donald Baillie.

⁸⁹ Richards, *Leviathan of Wealth*, 256, 270 and Devine, *Great Highland Famine*, 89-90.

employment on the estate; in comparison, the brief and localised flurry of the reclamations did not stick in the public mind.

The sheer volume of writing and media attention that surrounded the clearances also kept them firmly to the fore. Although there were clearances on many other Highland estates throughout the nineteenth century, the clearances in Sutherland came to symbolise all that was cruel and unjust in the clearance policy, perhaps because they were among the first, were the most comprehensive and affected so many people. This was compounded by the fact that the results of the clearances were still evident and by the 1880s, were coming under increasing legislative scrutiny. At the commencement of the reclamations, there was much hopeful media comment that the Duke's aim was re-population; these comments illustrate that assumption and also the popular abhorrence of the clearances,

A great mistake was committed, we believe, when in the days of his [the 3rd Duke's] grandmother, the Countess and first Duchess of Sutherland, the greater part of Sutherlandshire was converted into large sheep farms...The present Duke seems to understand this, and to be resolved to bring back agriculture properly so-called, to the suitable portions of his wide estates, by extending its sphere by the reclamation of land.⁹⁰

The Duke and the estate management played on these popular feelings regarding re-population while knowing that the reclamations were only ever aimed at helping those sheep farmers written about so despairingly in the popular media. While the press and other observers believed that the reclamations were going to benefit a wide range of the population in Sutherland, they heartily approved of them, to the extent of either remaining ignorant of, or turning a blind eye towards, a small but significant clearance in Assynt, deemed necessary for reclamation there. The importance of the clearances to the image and reputation of the family demonstrate how much value they attached to trying to keep their name 'clean' of any accusations or

⁹⁰ SCRO, D593/P/24/7/5, cutting from *The Courant*, 6 Aug. 1874. See also, *North British Agriculturist*, 5 Aug. 1874.

criticisms. The estate management were just as, if not more, concerned with this than the ducal family itself. As Kembell put it rather extraordinarily to the Napier Commission in 1883, 'I maintain that, even though the Duke can do no wrong, no wrong should either be done in his name or without his knowledge.'⁹¹ This almost exactly duplicated James Loch's statement of intent at the beginning of his published 'Account' defending both his and the Sutherland family name.⁹² The Duke as an individual was closely associated with the reclamations, mainly through his well-documented personal enthusiasm for the steam technology behind them. He was by far the main financial supporter of the building of railways in the county (the Duke owned his own engine, the 'Dunrobin,' which he was fond of driving himself), and his assiduous attendance at the sites of reclamation and his modification of the steam plough design were also commented on.⁹³ He was evidently proud of his role in the works and in a portrait painted of him around this time, he had pages of notes with 'Lairg' written on them and a diagram of a steam plough painted in, resting at his feet. Many newspaper columns were filled noting this unusual ducal activity from which three main caricatures can be drawn; the Duke as the 'dutiful' aristocrat, as a traditional clan leader, and finally as a businessman.

By far the most important of these themes was the first; much praise was doled out, especially at the beginning of the works, for the Duke's moral energy and financial enterprise in initiating them. Writers extolled the Duke's evident commitment to his estates through vast expenditure on the reclamation works as an example of the very best qualities of landownership, where the owner was resident, interested, knowledgeable and ready to invest for future generations not just of his own family, but of all the inhabitants on his estate.⁹⁴ This image was favourably compared to common images of reckless privilege; spending on gambling, horses and other morally uncertain activities.⁹⁵ The 3rd

⁹¹ *Napier Commission Evidence*, 2528.

⁹² Loch, *An Account*, 6.

⁹³ Cannadine, *Decline and Fall*, 407; D. Stuart, *Dear Duchess: Millicent, Duchess of Sutherland 1867-1955* (London, 1982), 33; B. Thompson, *Imperial Vanities* (London, 2002), 109; E. Richards, 'Gower, George Granville Leveson-, 1st Duke of Sutherland,' *Oxford Dictionary of National Biography* (Oxford University Press, 2004).

⁹⁴ Praise for investment in agriculture by landowners was common at this time: Duke of Bedford, *A Great Agricultural Estate: Being the on-going administration of Woburn and Thorney* (London, 1897), 9; Cannadine, *Aspects of Aristocracy*, 183; *Times*, 12 Sept. 1876.

⁹⁵ *Highlander*, 8 Jan. 1876.



Portrait of the 3rd Duke of Sutherland, Dunrobin Castle by R. Herdman (R. A.), 1879(?)

This portrait is of great interest in the context of the reclamations – at the feet of the Duke, slightly to the right, there are sheets of paper painted in with 'Lairg' and a sketch of a steam plough, demonstrating their importance to the 3rd Duke, to both the Sutherland estate, and to his own identity as Highland landlord.

Duke was portrayed as a moral example to his peers; what landownership *should* be,

Let us suppose that he will die at last a poorer man, so far as money goes, than if he had let this great enterprise alone. So would he if he had given himself up to horse racing or to almost any one thing to which his compeers in so many cases devote themselves...most heartily we wish him god speed. He will soon have imitators, we cannot but think. There does seem to be a dawning upon the minds of our nobility of the truth that truly noble lives are to be led, not for self and in miserable indulgence, but in those lofty enterprises which go to increase the numbers and to ensure the prosperity of man.⁹⁶

The reclamation works were convenient for covering up the Duke's deficiencies; not horses but a lack of interest in politics, a more traditional duty of the aristocracy. As one newspaper optimistically phrased it, 'the Duke of Sutherland... makes up for his silence in the arena of public life by a good deal of practical wisdom exhibited in other directions.'⁹⁷ *Punch* magazine was predictably less generous, judging of the Duke's political abilities that, 'he is clearly the wrong man in the wrong place on any platform except that of a steam engine.'⁹⁸ Overall, however, the reclamations at least until the mid-1880s, did the Duke's reputation, which until then had been fairly lacklustre, the power of good.

Connected to this image, was an older and more out-dated concept of the Duke as a traditional clan leader; responsible for and caring about the population on his land in a paternalistic sense, a surprising assessment of the Duke's character when juxtaposed with the third and final image; the Duke as shrewd businessman and entrepreneur. This last image is surely the most accurate; the Duke invested his huge assets in a wide-ranging and exotic selection of investments, as his extensive business portfolio demonstrates. The

⁹⁶ SCRO, D593/P/24/7/5, cutting from *Christian News*, 28 Sept. 1872.

⁹⁷ SCRO, D593/P/24/7/5, cutting from *Glasgow Herald*, 19 Sept. 1876.

⁹⁸ SCRO, D593/P/24/7/7, cutting from *Punch*, 26 Jan. 1878.

Duke was heavily involved in railway and canal building projects, both in Britain and abroad; unsurprising given his family's history, but for a landed peer to be dabbling in activities normally disparaged as 'plutocratic' was in the 1870s more unusual than it would later become.⁹⁹ On his landed estates, the Duke was active in other projects of dubious rationality. On his wife's Cromartie estate for example, he invested heavily from 1861 in developing a fashionable Spa at Strathpeffer. A joint-stock company, of which he was the chief subscriber, was launched in 1876 to further develop buildings and facilities, and in 1885 the railway was diverted to make ease of travel greater.¹⁰⁰ Not all members of the estate management approved of the Duke sinking capital into risky speculation, however, preferring investment into that most stable and 'safe' avenue, land.¹⁰¹ Until the advent of the Great Depression in 1879, the value of land rose steadily and was deemed the most safe, although admittedly not the most remunerative of investments. Also, even though returns were relatively low compared to those available through other ventures, in the very long term the benefits of increasing the value of land would be reaped by future generations of the family. There was an additional social restraint, at least in the eyes of George Loch, who believed that aside from the risk of financial loss, business outside of land was, 'simply not the function of a landlord.'¹⁰² As with the land reclamation project, however, the Duke ignored Loch on this point, as his investment portfolio testifies.

These diverse images were highlighted by the reclamation works at different times by the estate and popular media as the project progressed. When the works started the Duke was praised on all three counts; as a successful investor, a clan chief caring for his tenants and the dutiful aristocrat. By the 1880s, however, when it was clear that the works were failing financially and agriculturally, the best that could be salvaged was that the Duke was making

⁹⁹ Cannadine, *Decline and Fall*, 5, 444; Forbes Munro, *Maritime Enterprise and Empire*, 215-218; Richards and Clough, *Cromartie*, 273.

¹⁰⁰ Richards and Clough, *Cromartie*, 279; Cannadine, *Aspects of Aristocracy*, 58-60.

¹⁰¹ Richards and Clough, *Cromartie*, 250; F. M. L. Thompson, 'English Landed Society in the twentieth century: II: New Poor and New Rich,' *Transactions of the Royal Historical Society*, 6th ser., 1 (1991), 1, 12-13. This view was not universal: many clan leaders had, from the early eighteenth century, followed their commercial instincts outwith the sphere of land. See, Devine, *Clanship to Crofters War*, 32-33; A. I. MacInnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996), 210-11, 221-28.

¹⁰² Richards and Clough, *Cromartie*, 273; J. A. Smith, 'Landownership and Social Change in late Nineteenth century Britain,' *Economic History Review*, 2nd ser., 53, (2000), 768.

personal financial sacrifices for the benefit of his tenants, but when it became clear that the new land was not going to be made available to crofters, the remaining picture of the Duke was not a happy one. The rise and fall of the Duke's public image goes some way to further explaining why, during the period of the Crofters' War, the crofting tenantry had little respect for the Duke or his estate management and it was the clearances, not the reclamations, which were the main historical discussion on the table.¹⁰³

The Sutherland family and its foibles was not the only subject under discussion in relation to the reclamations; the nature of land and attitudes towards it in late Victorian society were thrown into relief in Sutherland. Since the 1850s the Highlands had been seen as essentially Romantic in nature, a fashion which ranged from the sentiments expressed by the poems of 'Ossian' to the Queen's purchase of the Balmoral estate.¹⁰⁴ This attitude contrasted with another, that is, the land as a mechanism of profit: these two seemingly diametrically opposed views were held in apparent tandem by many, and were applied to the reclamations,

While Her Majesty was staying at Dunrobin castle, she had the satisfaction not only of looking upon such wild uplands that give a charm of savageness to her own Highland home, but of knowing that the owner of the immense estate which stretched away on every side had clearly realised the responsibilities of his high position...the present Duke, at least, is acting on a wholly different plan; for he is taking means to increase the population by increasing the productive power of the soil.¹⁰⁵

Attitudes to the Highlands were a paradox, therefore; the wildness of nature in the region was admired in its own right, but at the same time there was an urge

¹⁰³ See for example SCRO, P/24/7/11 cutting from *Highland News*, 23 Jul. 1887.

¹⁰⁴ P. Womack, *Improvement and Romance: constructing the myth of the Highlands* (London, 1989), 74-78; I. MacPhail, 'Land, Crofting and the Assynt Crofters Trust: a Post-colonial Geography,' (Unpublished PhD, University of Wales, Lampeter, 2002), 61-62; J. M. Mackenzie, *Empires of Nature and the Nature of Empires: Imperialism, Scotland and the Environment* (East Linton, 1997), 68-70.

to 'conquer' that wildness, to improve it and turn it into a profitable and commercial concern.¹⁰⁶ The Duke was observed as having, 'successfully inaugurated a raid on the wastes of the beautiful Highland county of which he is almost the sole proprietor.'¹⁰⁷ As one editorial triumphantly declared,

This is the sublimity of science, in its practical application. So long as these things are near or around us – so long as we hear of them anywhere, indeed – we cannot say that the Age of Romance has passed away.¹⁰⁸

The personification of 'science' being in the Sutherland reclamations the power of steam. The *Inverness Courier* gave the Duke the honorary title the, 'Iron Duke,' going on to claim that, 'with his titanic steam ploughs and other marvellous appliances for subduing and transforming the stony waste and wilderness, the Duke conquers the stubborn soil of the North as triumphantly as the first great Iron Duke conquered the armies of France.'¹⁰⁹ It was through modern technology, never seen or used by the native crofters, that the Duke was to finally turn Sutherland into a commercially successful estate.

This was part of a wider mindset, expressed by British across the Empire: from the 1830s what was seen as laziness or inefficiency in the exploitation of natural resources by native peoples on their lands was no longer tolerated.¹¹⁰ The Highlands, although part of the British mainland, had long been regarded as a savage region and its 'native' inhabitants as wasting existing resources. This meant that forms of imposed improvements such as railways, drainage, clearances and the enclosure of common land could be justified.¹¹¹ This attitude rested on the myth of the 'Profligate Native,' who was unable to effectively cultivate the land compared to the scientifically and morally superior British; 'it

¹⁰⁵ SCRO, D593/P/24/7/5, newspaper cutting, no source or date. See also *Scotsman*, 17 Sept. 1872.

¹⁰⁶ T. C. Smout, 'The Highlands and the roots of Green Consciousness, 1750-1990' *Scottish Natural Heritage, Occasional Paper*, 1, Nov 1990, 24-5; Womack, *Improvement and Romance*, 61, 71-72.

¹⁰⁷ NLS, Acc. 10225. Reclamations, 5, cutting from *The Scotsman*, 17 Sept. 1872.

¹⁰⁸ SCRO, D593/P/24/7/5, cutting from *John O Groat Journal*, 13 Aug. 1874.

¹⁰⁹ SCRO, D593/P/24/7/5, cutting from *Inverness Courier*, 6 Aug. 1874.

¹¹⁰ R. Drayton, *Nature's Government: Science, Imperial Britain and the 'Improvement' of the World* (London 2000), 223.

¹¹¹ Drayton, *Nature's Government*, 232.

was, in the end, another justification for expanding the power of the state and the technocrat.¹¹² Evander McIver fully subscribed to this view, believing that as the crofters were extremely poor farmers the estate should have had little hesitation in moving them to make way for the reclamations.¹¹³

In this way the reclamation works were turned into an act of patriotism; a self-sacrifice on the part of the Duke for a huge range of beneficiaries, including crofters, sheep farmers, Scottish and British agriculture and the British nation at large. All the images explored here were imposed, albeit willingly, on the Sutherland family and as it became clear to the estate that they were going to fail financially, if not agriculturally, they increasingly aligned themselves with these ideas, to make any gains they could.

The Politics of Reclamation

For the first few years of the reclamations, the family's public image was flooded with positive media comment, but from the early 1880s it was clear to the estate and to the general public that they had been a failure, both financially and agriculturally.¹¹⁴ Despite this, the estate did try to extract capital from its financial disaster. This section will examine how the estate attempted this, through two Royal Commissions that visited the Highlands in the aftermath of the reclamations; the Napier Commission in 1883 and the Deer Forest Commission in 1893.

The first comments of any real political significance concerning the reclamations were made in the House of Commons by the Prime Minister, Gladstone, in 1881. The Land Law (Ireland) Bill was the legislation under discussion, specifically a hotly debated motion to allow the government to fund and organise land reclamation on a large scale in Ireland to improve rural conditions there. Gladstone was strenuously opposed to such a clause, calling reclamation work in general, 'the most doubtful, the most slippery and the most

¹¹² Drayton, *Nature's Government*, 238. See also, Womack, *Improvement and Romance*.

¹¹³ This view was almost universal among landowners and government officials; see Cameron, *Land for the People*, 88-90, 98-100.

¹¹⁴ NLS, Acc. 10225, Policy Papers, 102, Loch to Peacock, 20 Mar. 1877.

hopeless to be undertaken by anybody...even for private persons.'¹¹⁵ Gladstone went on, using the Sutherland reclamations as his template,

The last considerable attempt at reclamation that I have heard of – in fact the only one that I have heard of late – is going on now in the hands of a landlord in the North of Scotland. It is universally acknowledged to be most creditable to the person who has it in hand; but I am sorry to say that every account that reaches me is to the effect that, in a pecuniary sense, the operation has been a mistake.¹¹⁶

Predictably, these comments generated several defences and refutations, including one from George Greig in a letter to the *Times* and in some editorials.¹¹⁷ It could be argued, however, that the estate actually benefited from these comments, even though they proclaimed the works to have failed. That they had done so was obvious even to the most sympathetic observer, but perhaps Gladstone's confirmation of this in a political sphere was a kind of absolution for the estate. Had not Gladstone himself declared that carrying out reclamation work successfully was, 'hopeless,' and that moreover, a body as powerful as the British government would not attempt to undertake it? Gladstone was also careful to give personal credit to the landowner, thereby boosting the popular image of the Duke, even when his works had failed.

Through Gladstone's comments the estate had received an unexpected political bonus, but from 1883, the estate management would be far more active in forging a positive picture out of a negative situation. The first opportunity for this came with the visit of the Napier Commission in 1883, which had been appointed to examine the grievances of the Highland crofters and to make recommendations for possible reform. The estate, through its factors and Estate Commissioner, Kembell, defended its record towards the small tenants, principally by pointing to the vast sums of expenditure lavished on the estate. Kembell provided the Commission with numerous tables and lists, giving

¹¹⁵ *Hansard Parliamentary Debates*, 3rd Series, vol. 263, 1881, 662.

¹¹⁶ *HPD*, 3rd Ser., vol. 263, 1881, 662.

expenditure on rents, rates and taxes, crofters and permanent improvements. He stated that since 1853, almost £1 million had been spent on the estate.¹¹⁸ The fact that the capital value of the estate had accordingly risen by £1 million was only reluctantly admitted afterwards.¹¹⁹ Despite not being ostensibly for crofters, the estate included the sums spent on the reclamations with the rest of the permanent improvements, making up one quarter of the final figure given. Some questions were raised about how fairly this money was distributed and how much of it affected crofters directly, but this made only a small dent in the impact of the hard figures displayed by the estates' account books. Comment on the reclamations themselves was fairly limited, as it was land law reform that was the primary issue, but the estate factors seemed happy to make it clear that the reclamations had failed.¹²⁰

This failure was exposed even more energetically during the visit of the Deer Forest Commission in 1893. This was because the Commission was directly investigating the possibility of taking land currently under sheep and deer and allowing small tenants to reclaim and reside upon it. In order to try to prevent having to face future land reform and the possibility of handing land over to small tenants under legal compulsion, the estate argued vigorously that most land in Sutherland was just not suitable for cultivation. To back up these claims they pointed to the failure of the estate reclamations, asking whether if all the capital of the estate and imported scientific expertise could achieve so little, how could a crofter fare any better?

There can be no better illustration of the absurdity of cultivation to any extent in high-lying and exposed situations than that afforded by the Duke of Sutherland's reclamations...there was expended the enormous sum of £184,454 [Lairg only] exclusive of the great loss on farming the land while on hand, and the result both as regards the land

¹¹⁷ SCRO, D593/P/24/7/11, cutting from *Daily Free Press*, 19 Jul. 1881. See also *Times*, 29 Jul. 1881, letter to the Editor from George Greig.

¹¹⁸ *Napier Commission Evidence*, Kembell, 2526

¹¹⁹ *Napier Commission Evidence*, Kembell, 2528.

¹²⁰ See *Napier Commission Evidence*, 1704-31, 1764-70, 2516-37 and *Deer Forest Commission Evidence*, 599-618, 638-40 and 697-754.

itself and return for the money expended has proved a failure in every sense of the word.¹²¹

The thrust behind the estate's exposure of its financial losses and blunders to public bodies was for a specific political purpose: to protect its future interests in relation to the land and crofters' rights to it.

This policy, however, was not without its critics, who refused to see the estates' financial losses on the reclamations as any reason to refrain from criticism. Much of this came from other witnesses giving evidence to the visiting Royal Commissions, claiming that for all the fantastic figures bandied about by the estate, little or none of it directly benefited the crofters at all, 'You will no doubt hear statements of enormous sums of money spent on improving the estate; but let it be remembered that such expenditure has no relation whatever to the crofters.'¹²² It was not only the results of the reclamations that were criticised; many witnesses also stated that they had not been carried out to a sufficiently high technical standard and they were extravagant in cost. One witness stated that in his opinion, the land was only, 'scraped,' and that, 'it was not trying to make the work good they were, but how many acres they would go over in one day.'¹²³

The sheer waste of money the reclamations represented was heavily criticised by witnesses, but some went further, specifically rejecting the right of the estate to claim absolution for its treatment of the crofters in return for these failed investments, 'when he [the Duke] squanders his money to no purpose, he can tell his Chief Commissioner to go before the world with the statement that the expenditure was for the benefit of the crofters.'¹²⁴ This criticism became more common after 1883 when the unofficial grace period for the reclamations had well and truly ended.

¹²¹ *Deer Forest Commission Evidence*, D. MacLean, 600; Richards, 'An Anatomy,' 68.

¹²² *Napier Commission Evidence*, Angus Sutherland (the future M.P. for Sutherland), 2433.

¹²³ *Napier Commission Evidence*, James Sutherland, 656.

Conclusion

The Sutherland reclamations are largely ignored in histories of the Highlands; a fact which seems surprising when the plethora of contemporary media comment and their important political applications are noted. It can be concluded that significant sections of Victorian society were interested in these works as a national example of an individual's capital being put to good use in a patriotic cause. Despite this, they are relatively unknown today, perhaps because of the lack of any visible sign of them. As early as the 1890s, they had receded in size to a third of their original level. This physical disappearance, however, should not undermine their significance in political and agricultural circles and as part of the wider debate on land in the Highlands. The public image of the Sutherland family certainly benefited in the short term, if such champions of the crofters' cause as J. S. Blackie felt able to support the Duke; the grandson of the very man who oversaw the notorious clearances of which he was such a loud critic. Blackie wrote another sonnet, specifically honouring the Duke, which goes a long way in illustrating the sort of sentiments the land reclamations inspired about an otherwise lacklustre peer,

The Land Improver

What man is he that walks the mountain-side,
 With lordly front and arm of brawny sway,
 Who ploughs his way in glory and in pride,
 Through tangled wood, rough dell and shaggy brae?
 I know him well; oft has he crossed my path
 On the green slope of some high-shouldered Ben
 Where with swift eye he scanned the fruitful strath,
 And mapped the brae for homes of happy men.
 As when a great commander lifts his mace
 And signs the way through danger with a crown,
 And mows down giant foes at every pace,

¹²⁴ SCRO, D593/P/24/7/11, cutting from *Highland News*, 23 July 1887; editorial.

And from the brow of Fortune plucks the frown,
 So he, most like a god, with conquering skill,
 Subdues the glen and moulds them to his will.¹²⁵

This sonnet draws together the threads of the public image of the Duke in the early years of the reclamations. 'Most like a god,' the Duke with his works was expected to turn his land from wasteful bog into productive soil; an Arcadia to replace the chronic poverty of the Highlands.

As we have seen this did not happen; indeed, reclamation on the scale which the Duke envisaged may have been impossible. There were voices, however, which claimed that reclamation on a smaller scale, undertaken by crofters, could work. They pointed to the reclamation crofters had been forced to undertake in the aftermath of the clearances and the fact that the reclaimed acres that were let to crofters in the 1870s were all still under cultivation in 1893. Generally, however, the reclamations were indicted for being improperly and extravagantly done, and looking at the evidence, this was probably a fair criticism. They also did little to help improve relations between the estate and the small tenants in the long term, who received only a tiny portion of the new land, even when the farms remained unlet. Instead of improving relations with the crofting community from their state of unease and mistrust, the reclamations merely added to the list of grievances against the estate in the 1880s during the Crofters' War.

¹²⁵ SCRO, D593/P/24/7/6, cutting from *Times* no date. From 'Highland Sketches No.1' by Blackie.

Chapter Two: ‘Agitation amounting to legalised coercion:’ the Sutherland Estate 1882-1886¹

Introduction

This chapter will deal with the period beginning with the Crofters’ War and ending with the passage of the Crofters Act in 1886. So much of importance for the present and future interests of the estate occurred in those five tense years that a narrow chronological span is necessary. Also, the problems of scale that the Sutherland estate and its records generate are relevant here. The Sutherland family owned almost the whole of a crofting county; as a result, difficulties in landlord-tenant relations were on an epic scale.

In 1881, the Sutherland estate was still concentrating on its vast reclamation projects, started just a decade earlier under the personal direction of the Duke, and since 1879, continued under the more sceptical eye of the Commissioner, Sir Arnold Burrowes Kemball. Born in 1820, son of a Surgeon-General in the Indian Medical Department, Kemball made his name in the army in India, serving in Afghanistan, Persia and Baghdad in both military and administrative capacities from the late 1830s to the late 1860s. He may have met the Duke in Egypt in the 1860s, perhaps at a demonstration of Fowler’s steam plough there which the Duke attended in 1868, or on one of the Duke’s many cruises around the Middle East during that period. Kemball knew a great many influential people in diplomatic and commercial circles, including Sir Austen Layard, Sir William Mackinnon and Sir Henry Ellis. From 1870, Kemball began collecting a series of honours for his work, including the K.C.S.I. (1866), Colonel Commandant of the Royal Regiment (1878), and the K.C.B. (1878). From 1875-78 he was involved in running the British operation during the war between Turkey and Serbia. He joined the staff of the Sutherland estate in 1879, but remained active on his and the Duke’s behalf in commercial and imperial circles: he was a director of Mackinnon’s British East

¹ National Library of Scotland [hereafter NLS], Acc. 10225, Crofters, ZN/a, Kemball to McIver, 3 Jul. 1884.

Africa Company, a venture the Duke was also involved in.² Evidently then, the Duke had managed to procure a very distinguished and clever Commissioner for the estate, and at just the right time too; the 1880s would be some of the most difficult years for the estate since the Clearances of 1809-21. Unfortunately, Kemball had little knowledge of Highland estates, in law or custom: despite this, his influence on the estate management was great. There is no denying that he was extremely active on behalf of the Duke in Sutherland; he was in constant correspondence with estate officials, attending to every detail of their management. He probably knew, even if the Sutherland factors did not, that a complete knowledge and control over all the affairs of the estate was necessary for the defence of its reputation. He retired from the post in mid-1886, but reasons for this decision are not given. He was sixty-four in 1886 and may have been seeking an escape from such arduous work, although he remained a director and later became the Head of the East Africa Company. He died in 1908.

By 1882, it was becoming clear to the estate as the new farms at Lairg were completed and advertised in the press time and time again, that the reclaimed land would have to remain on their hands for some time to come. With the arrival of Kemball as Commissioner and the gradual falling away of the Duke's personal enthusiasm for the project, a more cautious attitude toward expenditure crept into the management.³ On the cusp of the crofters' agitation in the Highlands, therefore, the Sutherland estate was in a phase of semi-retrenchment. This is not to say that there were any major cutbacks on day-to-day expenditure, but the estate had had its fingers burnt and there followed a reluctance to give any major financial concessions to the crofters.⁴

The third Duke of Sutherland seems to have lost the brief flare of interest he felt in Sutherland by the late 1870s, when it was becoming clear his reclamations would not end in the blaze of success he had hoped for. Whereas in the mid-1870s it was

² Obituary in the *Times* 22 Sept. 1908.

³ E. Richards and M. Clough, *Cromartie: Highland Life, 1650-1950* (Aberdeen, 1989), 257.

⁴ Richards and Clough, *Cromartie*, 364; R. Perren, 'The Effects of Agricultural Depression on the English estates of the Duke of Sutherland, 1870-1900,' Unpublished PhD thesis (University of Nottingham, 1967), 29 and NLS, Acc. 10225, Policy Papers, 141, Kemball to Crawford, 27 Jun. 1883.

clear he spent a relatively large amount of time in Sutherland, supervising the progress of the works and attending meetings with the managers in charge of them, by about 1881 he was increasingly absent. He might spend only two to three weeks a year in Sutherland, a fact criticised by crofter supporters and even members of his own staff. McIver, in a private letter to the Stafford House secretary George Taylor, commented unfavourably on the Duke's frequent absences from Britain, 'I see the Duke was at the Panama Canal and wish he was at home once more at the helm of his own affairs!'⁵ The Duke spent a good three to five months of every year in the 1880s abroad, usually on his steam yacht with his mistress, Mrs Blair, in exotic parts of the world.⁶ Mrs Blair would become a further problem for the estate in the 1890s.

This chapter has been structured chronologically and will have five sections; first, there will be an examination of crofters' conditions up to 1881 and how they were treated generally by the estate management. The next section will cover the year 1883, the year of the Napier Commission and its travels round the estate, taking public evidence from crofters and their supporters. Representatives of the estate also appeared before the Commission in what can only be described as a defensive capacity. 1884 saw the growth of the Sutherlandshire Association: branches popped up all across the county and frequent meetings were held in every parish, including two very large Franchise demonstrations in October 1884. The profile and popularity of its *de facto* leader and future M.P. for Sutherland, Angus Sutherland, was also noticeable in these years. In the face of this political action, the estate attempted come up with its own solution to the crofter question, in the form of the so-called 'Duke's Memo' Scheme. The formation of and reaction to this policy document will be examined, as it is essentially the estate's official response to the Napier Commission.

1885 saw the first election in Sutherland after the reform of the franchise, enabling crofters to vote for the first time. Before the political excitement generated by this began, there was an important meeting of landowners in Inverness in January. The

⁵ NLS, Acc. 10225, Policy Papers, 215, McIver to Taylor, 5 Mar. 1886.

⁶ Staffordshire County Record Office, [hereafter SCRO], P/24/4/A74-82, Diaries of the third Duke, 1883-1890.

family's participation in and influence on this meeting will be examined, as well as the final resolutions it agreed to and whether they were more or less liberal than those offered the previous year by the estate in the Duke's Memo. The chapter ends in mid-1886, with the resignation of Kemball and the passage of the Crofters Act.

'The small tenants are vegetating as usual:' the Sutherland crofters, 1861-1882⁷

On an estate of the size of Sutherland, it is difficult to make generalisations about the crofting tenantry, as conditions varied from area to area, and also from year to year. For instance, if the crofters on the east coast enjoyed a good year's fishing and harvest, they could find themselves in a relatively comfortable position, but on the stormy and poor north and west coasts, the economic plight of the crofters could frequently be grave. The east-west divide on the estate was one of the most significant and something the management was keenly aware of, as will be seen. Despite this, some generalisations can be attempted. Some of the many letters from crofters to the estate factors survive and give a picture of crofting life in Sutherland. Most of these letters were in the form of requests or complaints, ranging from complaints about neighbour's behaviour, both large and small, including boundary disputes and arguments over rights such as peat cutting. There were also many formal requests for building materials for houses and fences; requests and applications for crofts as they fell vacant; some complaints about the behaviour of ground officers, as well as requests for rent reductions and for more land.⁸ These requests were common to crofters all over the Highlands and they make it clear that in Sutherland, with the vital exception of some townships in the Scourie and Tongue managements, that crofters were usually not in dire poverty. Their disputes show that they were not far from the poverty line, however; rights to peat and the formation of clear boundaries as well as keeping large farmers' stock out of their

⁷ NLS, Acc. 10225, Policy Papers, 58, Kemball to Duke, 13 Sept. 1881.

⁸ NLS, Acc. 10225, Crofters, G/b.

fields demonstrate intense competition over limited resources.⁹ In the Scourie and Tongue districts, however, regular requests were made by McIver, on behalf of the crofters, to the Duke for seed corn and potatoes, demonstrating that harvest failure was still very common into the 1880s. One night of bad storms could financially flatten a township, and make them dependent on aid reluctantly given by the estate.¹⁰ Also, even in areas where conditions were slightly better, land hunger and insecurity was rampant among the small tenantry.¹¹ This would be elucidated at the Napier Commission in 1883 as one of the chief grievances of the crofters.

How the estate management dealt with these requests came under scrutiny in 1883 and the picture was not favourable to the estate. For instance, according to the estate rules, crofters were allowed building materials including wood, lime and slates for houses. However, either these rules were not carried out strictly to the letter, or in some cases were neglected, as evidence given to the Napier Commission proved. Two witnesses claimed that improvements on houses had only been taken seriously by the estate since early 1883, when the Commission had been appointed; a clear accusation that the estate was trying to cover up its neglect in the face of a public exposure of its failings.¹² The crofters were at times, though perhaps not in any consistent way, granted smaller requests, but anything larger, such as additional land or rent reductions, were always refused: they all paid very low rents and could not negotiate for better treatment like the large sheep farmers could. The estate treated the crofters accordingly, with little respect and in an autocratic manner.¹³ The practise of enclosing grazings for the benefit of neighbouring sheep farmers was one manifestation of this attitude; crofters were rarely consulted, were often threatened into signing their rights away so that the

⁹ This was common on other Highland estates, for instance on the Macdonald estates in Skye: see Armadale Castle, Macdonald MSS, 2816, Kilmore tenants to Alexander Macdonald, factor, 10 Jun. 1884; 21 Jun. 1884 and 23 Jun. 1884: 5580, Sconser tenants to Alex. Macdonald, 1881.

¹⁰ NLS, Acc. 10225, Policy Papers, McIver to Kemball, 23 Nov. 1881; 28 Aug. 1882; 14 Dec. 1882. This was also the case in Cromartie: see Richards and Clough, *Cromartie*, 259-261.

¹¹ J. Hunter, *The Making of the Crofting Community* (Edinburgh, 1976), 114-116; Perren, 'Agricultural Depression,' 29.

¹² PP1884, XXXIII-XXXVI, *Evidence of the Commissioners of Inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland*, [hereafter *Napier Commission Evidence*], 1597, Rev. Mr James Cumming. See also 1629, Rev. Mr John MacNeill.

¹³ Hunter, *Crofting Community*, 117 and Richards and Clough, *Cromartie*, 287.

estate could later claim it had acted by the letter of the law, and frequently their rents were not reduced accordingly as compensation.¹⁴ Many examples of this were given at the hearings of the Napier Commission. One delegate blamed the overcrowding of his township on, 'making way for extending sheep farms at two or three different times, till at last they got their farm to their own mind and put all the people to the breadth of the seashore, where they are in danger of losing their stock and even their children over the rocks.'¹⁵ Another witness described how the estate coerced crofters into signing papers supporting these enclosures, 'Some of the people demurred to sign this paper because there were some blanks in it not filled up. Then there was a threat that if they did not sign it they would be reported to the office as disloyal; and this frequently happens.'¹⁶ The highhandedness of the estate could also be seen in its treatment of numerous petitions sent in by crofters, often asking only for relatively minor improvements. Mostly, the estate did not even acknowledge their receipt. As one witness said, 'The Duke has been appealed to at different times...but he invariably turned a deaf ear to their appeals.'¹⁷ Some tenants claimed that they no longer made appeals to the estate management, as they knew they would never be answered.¹⁸ This problem cannot be blamed entirely on the local estate management; rather it reflected the general attitude towards the crofters, and an unconcern about their position, which was demonstrated by every member of the estate personnel, including the Commissioner, Kemball.¹⁹ In a report to the Duke from Sutherland he spared a short paragraph on the crofters, irritated by their lack of prosperity, 'The small tenantry are vegetating as usual – it would be well if they could be persuaded to improve their dwellings and turn their holdings to better account, but they are not easily led.'²⁰ This attitude was part of a wider cultural stereotype of the 'lazy' Highlander, unwilling to make an effort to pull himself out

¹⁴ I. M. M. MacPhail, *The Crofters War* (Stornoway, 1989), 27.

¹⁵ *Napier Commission Evidence*, 1631, Peter MacKay, crofter, Dalchurn and Blundy townships.

¹⁶ *Napier Commission Evidence*, 1667, Rev. Mr James Ross. See also 2436, Angus Sutherland.

¹⁷ *Napier Commission Evidence*, 1738, William MacKenzie, labourer, Clashnessie.

¹⁸ *Napier Commission Evidence*, 1665, Alexander Morrison, crofter, Sangobeg. See also 1749, Hugh MacKay, Greenock and 2455, Adam Bannerman, crofter's son, Marrel.

¹⁹ Richards and Clough, *Cromartie*, 287.

²⁰ NLS, Acc. 10225, Policy Papers, 58, Kemball to Duke, 13 Sept. 1881.

of poverty, preferring instead to depend on the demoralising aid handouts occasionally given to him.²¹

The crofters, however, had more complex opinions about the estate management that controlled their lives. From evidence given by John MacKay of Hereford, a noted crofter champion, to the Napier Commission, it is clear that most crofters did not personally blame the Duke for their problems, but the factors, and believed that they kept the reality of the crofters' situation hidden from the Duke,²²

You say there is still in the country a very strong, although a latent, feeling of affection for the proprietor of the soil? – Very strong indeed. There are some of them here now. The people of Rogart cannot believe that the Duke can do any harm. They impute all the woes and cruelty, and repression they talk about to the Duke's officials. The Duke, in their opinion, can do no wrong.²³

Another witness, this time a landless labourer, put the situation more bluntly, 'The Duke of Sutherland is a good proprietor, but his officials are tyrannical.'²⁴ There were some exceptions to this ideal of good feeling between tenant and proprietor. Some went further and claimed that as the landowner, the Duke was ultimately responsible for both the well being of his tenantry and for the actions of his officials, 'It is the Duke! the Duke! the Duke! There is no room for enterprise or any independent spirit,' shouted one witness.²⁵ 'I was blaming the factor for the whole, the Duke being a childish fellow himself. He is a good man, but very childish, and takes factors to be infallible, and will not come to investigate the cases

²¹ Hunter, *Crofting Community*, 115.

²² T. M. Devine, *Clanship to Crofters War: The social transformation of the Scottish Highlands* (Manchester, 1993), 214.

²³ *Napier Commission Evidence*, 2512, John MacKay, Hereford. See also, 2541, Donald Simpson, crofter, Clyne parish.

²⁴ *Napier Commission Evidence*, 1645, Angus MacKay, crofters son, Cattlefield. See also, Richards and Clough, *Cromartie*, 290.

²⁵ *Napier Commission Evidence*, 1601, Rev. Mr James Cumming.

between the factor and his tenants' said another, matter of factly.²⁶ Complaints about the Duke's absenteeism were repeated by many witnesses,

All that we are allowed is to gaze with admiration on the retreating wheels of his carriage when he is going away. Last year was an exception. He spent three days here at that time, an unprecedented thing in the Tongue management.²⁷

These were the exceptions to the rule, however; most crofters, at least in the early 1880s, were loyal to the ducal family, and were completely attached to the basic principles of landlordism. Nowhere in the evidence is there any suggestion that there should not be a Duke of Sutherland; the crofters only wanted an improvement in their existing situation, usually through changing the behaviour of the estate's employees. The alleged instances of tyranny and annoyance of factors towards the crofters were countless and led to an overall picture of an autocratic, remote management gone mad in the north.²⁸ One witness attributed this to historical factors; that the estate had held the people under a reign of terror since the clearances, 'The system of estate management that burnt us out of Kildonan strath has been consistent and continuous.'²⁹ Others believed that it was beyond the self-will of any man to resist the temptations of power when left almost entirely unsupervised in a remote district,

Factors find themselves placed in remote districts with enormous and almost absolute power over nearly every person there, and the more they exercise this power, the more the love of power increases, and impatience of all opposition increases; these men in these circumstances would be more than human if they did not

²⁶ *Napier Commission Evidence*, 1633, Peter McKay, crofter, Strath Tongue. See also 2447, Angus Sutherland.

²⁷ *Napier Commission Evidence*, 1651, Rev. Mr Donald MacKenzie. See also 3287, John MacKay, Hereford.

²⁸ Hunter, *Crofting Community*, 121.

²⁹ *Napier Commission Evidence*, 2437, Angus Sutherland.

sometimes commit excesses in the exercise of this power, and do things which it would be painful to bring to light, and which they can hardly see in their true colour unless set before the eyes of the public.³⁰

Whatever the root cause, moral or historical, it was clear from a number of testimonies given at the Napier Commission, that the crofters regarded the factors and to some extent the ground officers also, as their enemies.³¹ One witness's description sums up the position fairly well, 'the agents of His Grace are his hands, his eyes, his ears and his feet, and in their dealings with people they are constantly like a wall of ice between his Grace and his Grace's people.'³²

Basic misunderstandings further exacerbated the situation. Rules and regulations were never printed, there were no leases and rents could be hiked without any of the reasoning behind such changes being passed onto crofters who paid for them. There was for instance a legendary document called 'Loch's Laws,' which the crofters had never seen but which were nevertheless enforced, 'I never saw a copy of them if they are [printed]. They are printed on the people's minds, and the people feel them if they cannot understand them.'³³ The delegates complained against these laws because they had no route of appeal against them, not knowing what they consisted of in the first place, 'who executes them or what the code is, or to what extent they may be strained or extended or contradicted, is known only to those who put them in force.'³⁴ The confusion was understandable, as there is still no way to verify the existence of such a document; perhaps 'Loch's Laws' was simply a derogatory nickname for the factor's rule. Loch's Laws were not the only area of estate policy over which confusion reigned: the so-called 'Death-Tax' was another bone of contention between the estate and the crofters. At the death of a crofter, when the croft passed into the hands of his heir, the estate marked up the rent, with

³⁰ *Napier Commission Evidence*, 1716, Rev. Mr N. N. MacKay.

³¹ *Napier Commission Evidence*, 1645 Angus MacKay, crofter's son, Cattlefield; see also 1668-9, Rev. Mr James Ross; 1686, Alexander Ross, crofter's son, Foindale; 2510, John MacKay, Hereford; 1653, Rev. Mr Donald MacKenzie, Farr.

³² *Napier Commission Evidence*, 1596, Rev. Mr James Cumming.

³³ *NCE*, 1602, Rev. Mr James Cumming and 1657, Ewan Robertson, crofter's son, Tongue village.

no obvious basis to do so according to the crofter.³⁵ This was because the estate management had not explained to its crofting tenantry that these rent raises were the result of a valuation of the estate undertaken in 1878, and instead of issuing a blanket rise up to the new valuations, they had decided to wait until each tenant had died before raising the rent on each individual.³⁶ Incidents like these, although relatively small, did nothing to improve relations between the estate and its crofters.

The estate management was obviously aware of its unpopularity, as from the 'Battle of the Braes' in Skye in early 1882 it was on the alert for trouble with its own crofting tenants. 1883 heralded great changes in the way crofters and their grievances were viewed by the outside world.³⁷ The prevailing public attitude was now one of sympathy for the crofter, and with the appointment of the Napier Commission and its travels around the Highlands taking evidence, this public sympathy strengthened. How the Sutherland estate management adjusted to this new order will be examined in this section.³⁸

In early 1882, it was business as usual on the Sutherland estate; there were certainly no major crofter protests to match those occurring in the Hebrides.³⁹ This was a surprise to the Sutherland factors, who had feared the worst when the news of the events in Skye broke.⁴⁰ In his report on the rent collection in Scourie in 1882, McIver was pleased to report,

I finished our small rent collection yesterday and have on the whole done better than was anticipated. In truth they are nearly as well fed [?] as usual, fully as well as ever in Eddrachillis, not so well in Assynt, especially in the Stoer district of that parish. When faced [?] with the visage of lawlessness on Skye, His Grace

³⁴ NCE, 1598, Rev. Mr James Cumming.

³⁵ NCE, 1658, Ewan Robertson, crofter's son, Tongue village; 1692, John Ross, crofter, Achresgil.

³⁶ NCE, 1704, Evander McIver, Scourie Factor. NLS, Acc. 10225, Crofters, ZQ/h, Report on Small Tenantry Lots, 1879, by John Macdonald and Thomas Mackenzie.

³⁷ Devine, *Clanship to Crofters War*, 223-224.

³⁸ This has been done for the Cromartie estate: see Richards and Clough, *Cromartie*, 298.

³⁹ See Armadale Castle, Macdonald MSS, 4675, correspondence between Alex. Macdonald and J. D. Brodie, solicitor, on crisis at the Braes, 6 Feb. 1882; 20 Apr. 1882; 25 Apr. 1882; 10 Jun. 1882; 8 Sept. 1882; 25 Sept. 1882, 20 Dec. 1882.

⁴⁰ Hunter, *Crofting Community*, 149.

has come to be well pleased that his tenants seen willing and anxious to pay.⁴¹

In Sutherland therefore, there was a relative quiet among the crofters, but the estate management, rightly so, still felt uneasy about the possibilities of protest to come.⁴² Any dispute with the crofters, however minor, was greeted with apprehension and the fear that they would follow the example of the Skye crofters and disregard the authority of the estate. This was a great fear of McIver's, who, although he had a large measure of control in Scourie, knew that if the crofters chose to rebel, there was very little in place to contain them, being in a remote district with poor communications. As a result, he was in favour of the authoritarian policies advocated by Sheriff Ivory in Skye,

The agitation and excitement among the small tenants in Skye is soon to operate on the whole crofting population in the North of Scotland – and we may be prepared to feel its effects in various ways. Tis fortunate that the authorities in Inverness-shire acted with such prompt and decided measures – at some time then are agitators at work poisoning the minds of the poor ignorant people who are too ready and willing to listen to people professing to be their friends and holding out promises they cannot realise.⁴³

McIver began to blame every dispute with crofters on these 'agitators,' appalled at the new-found assertiveness of crofters' demands. Throughout 1882, for instance, he had to deal with the crofters of Durness township who were demanding grazings in Strath Dionard for their horses, which McIver had steadfastly refused them. His position on this issue reflected current opinion in management circles; horses were regarded as wasteful and managers could not understand why crofters needed them. The Durness crofters on a number of occasions threatened to run their horses onto

⁴¹ NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 14 Dec. 1882.

⁴² This feeling was shared with the Cromartie estate staff. See Richards and Clough, *Cromartie*, 301.

⁴³ NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 3 May 1882.

the grazings without authorisation, leading McIver to comment, 'I was afraid from the state of excitement in which they were said to be on this subject that they would act forcibly and illegally...There is no doubt but that the Durness tenants are now following the example of their brethren in Skye and other parts of the country.'⁴⁴

This sense of foreboding also comes across in other areas of estate management, such as providing crofters with materials for building or work projects to keep them employed in bad seasons; the estate was very reluctant to do this in politically volatile circumstances. They preferred to wait until the question had been settled one way or another and how much they could expect to lose when an eventual Crofters Bill appeared. This policy came into force in mid-1883, just before the arrival of the Napier Commission, 'The Duke has sanctioned so large an outlay on the estate for similar works in the form of labour tests that he cannot for the present authorise the construction of the proposed road. It must be deferred to better times.'⁴⁵ The estate tightened its budget almost as soon as the crofter question burst onto the public arena.⁴⁶

The estate also found itself in the difficult position of having to publicly defend and account for its treatment of crofters, both past and present. Of course, due to its unenviable reputation as a clearance estate, the family and management had always been on the defensive in public, and subject to sporadic published attacks over the years. However, the beginning of the Crofter's War saw a positive bombardment of correspondence, public and private, criticising the estate for its actions in almost every sphere. Stafford House was even threatened with a bomb attack at this time, a note dropped through the door ominously warning that, 'The house and property of all evicting landlords is condemned. Three weeks warning is hereby given to all of you to leave this house which is sentenced.'⁴⁷ Despite the fact that since the 1850s,

⁴⁴ NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 13 Jun. 1882. See also 9 Jun. 1882, 14 Jun. 1882, 24 Jun. 1882 for correspondence on this dispute. Grazing disputes were a common basis for agitation elsewhere in the Highlands: see I. M. M. MacPhail, *The Crofters War* (Stornoway, 1989), 127.

⁴⁵ NLS, Acc. 10225, Policy Papers, 141, Kemball to Crawford, 27 Jun. 1883.

⁴⁶ This was different to the policy followed by the Ulbster estates in Caithness, which gave a blanket rent reduction for crofters of between 10 to 20%: see Ulbster Estates MSS, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 29 Mar. 1883.

⁴⁷ Staffordshire County Record Office [hereafter SCRO], P/24/1/6, Note addressed to the servants, Stafford House, St James, 17 May 1882.

when the last waves of clearances had occurred on the Sutherland estate, there had been no major clearances, (except in the case of Clashmore), the bombers evidently believed that the estate had much to answer for in its past and was no going to let it forget it. The Crofters War saw an intense revival of interest in Highland history of the previous century, and the Sutherland estate starred as the top villain in these narratives. Attacks were made very publicly; at the hearings of the Napier Commission, which were reported in many national newspapers; in speeches, meetings, and lively debates in the correspondence columns of newspapers all meant that the Sutherland estate's dirty laundry was well and truly hung out for all to see and comment upon.⁴⁸ The estate management was also written to privately by some influential correspondents seeking to present their view on the crofters and make the estate accept and atone for the disgraces of the past. One such correspondent was Mr John MacKay, a native of Sutherland, and wealthy railway contractor resident in Hereford. MacKay was influential in the Crofters Movement, from campaigning for a Celtic Chair at Edinburgh University to promoting the Highland Land Law Reform Association [hereafter HLLRA].⁴⁹ In his correspondence with Kemball on aspects of the crofters' situation, MacKay made it clear that although the third Duke had a difficult reputation to deal with, he should have made a better job of making reparations for the past,

The legacy left to him was no enviable one. The hope was, that he would gradually subvert the impolicy of the past and endeavour to raise around him a substantial set of tenants...The vain hope has not been realised and if it had any foundation in fact, it has not hitherto been attempted.⁵⁰

The belief that the Sutherland estate should form policies reversing the effects of the clearances was a common one among crofter champions, and one which the

⁴⁸ Many Highland estates came in for this public criticism. See Ulbster estate MSS, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 8 Jan. 1884.

⁴⁹ *Highlander*, 12 Jan. 1881 and *Crofter*, April 1885.

⁵⁰ SCRO, Chief Agent's Correspondence, K/1/3/70/a, MacKay to Kemball, 1 Mar. 1882.

estate met with total refusal. MacKay not only criticised the estate's past policies, however, he also had concerns about the current management,

Why should factors make themselves so unpopular? Is there any necessity under the sun for it? Have they to do with uncivilised beings who must be represented by a high hand?...Want of tact, want of knowledge of human nature in factors...I admit it to be the truth! I know it to be the truth! Nothing other, nothing more, than the arbitrary, the harsh, the surly, unconciliatory conduct of the factors themselves. They sow the wind, they reap the whirlwind!⁵¹

MacKay had identified two complaints about the Sutherland estate which would recur in the years to come: land hunger resulting from the clearances, and the tyranny of the factors. Kemball's response was far from satisfactory to MacKay; his first reaction was to deny that the current Duke and management could be held accountable for actions of the previous administrations,

His Grace...considers that it is now too late to discuss the events of the remote past referring to the vexed question of evictions. These are matters of history. Its verdict will not be affected by mutual recrimination in respect to motives and results...You know probably that while possessing the moral courage to do what is just, in spite of agitation, His Grace is the last man to be influenced by it against his sense of right.⁵²

This statement makes clear what the estate's stance was on the clearances; a refusal to be held responsible for them or to make amends in any way through conciliatory policies towards the crofters. By April 1882, the correspondence between the two

⁵¹ SCRO, Chief Agent's Correspondence, K/1/3/70/a, MacKay to Kemball, 24 Jun. 1882.

⁵² SCRO, Chief Agent's Correspondence, K/1/3/70/a, Kemball to MacKay, 8 Mar. 1882.

parties had soured in the face of a threat by MacKay to publish instances of tyranny by the Sutherland factors towards the crofters; there was no mistaking Kemball's anger at this threat, 'His Grace is indifferent to the manoeuvres of interested and blustering agitators or cowardly anonymous slanderers...you threatened unmistakably, damaging exposure...I have no further suggestion to make to you.'⁵³ MacKay, however, did have further suggestions to make to him, and continued to write to the estate for the duration of the Crofter's War, much of this later being published in the newspapers. There was no doubt in MacKay's mind that the Duke had a responsibility for the past, 'Who is responsible for this state of matters? It is the Duke himself or who is it?'⁵⁴ This was a sentiment he would repeat to the Napier Commission the following year, in a much more public arena.

⁵³ SCRO, Chief Agent's Correspondence, K/1/3/70/a, Kemball to MacKay, 4 Apr. 1882.

⁵⁴ SCRO, Chief Agent's Correspondence, K/1/3/70/a, MacKay to Kemball, 26 Aug. 1882.

'It is as well to be prepared for the worst:' the Run-up to the Napier Commission⁵⁵

In the five months or so after the appointment of the Royal Commission into the Condition of Crofters and Cottars was announced in March 1883, up to the time it began taking evidence in the Highlands in May, the Sutherland estate was very busy preparing for its arrival. Urged on by Kemball, all the factors began a large information-gathering exercise, partly to enable them to fill in the return forms sent out by the Commission which asked for details such as rents, population and acreages, and partly for the benefit of the estate itself.⁵⁶ Kemball understood the importance of using statistics and figures in any defence, and so collected additional information, such as how much had been spent *gratis* annually on the crofters by the third Duke. It was this more positive aspect of the estate's treatment of its crofters that he was seeking to emphasise.

A further tactic was persuading the Napier Commission to visit the east coast of Sutherland, in order to favourably impress them with the better condition of the crofters there; initially, the Commission had intended to only visit the west and north coasts of Sutherland, which would have led them to see some of the poorest townships in the county. Kemball could not prevent them from seeing these areas, but he could try to mitigate the damage by persuading them to visit the more prosperous east coast as well,

The Duke of Sutherland infers from the tenor of your letters, asking for statistical information respecting the crofters and cottars on the west coast of Sutherland, that the Royal Commission propose to confine their operations to that quarter.

His Grace, while hailing their advent there with much satisfaction, desires me to submit for their consideration, that their investigation would probably be incomplete if not extended to the east coast, where the condition of the small tenants is sufficiently

⁵⁵ NLS, Acc. 10225, Factor's Correspondence, 357, Peacock to Kemball, 10 Nov. 1884.

⁵⁶ The same task was imposed on the Cromartie estate staff: see Richards and Clough, *Cromartie*, 302.

prosperous to exclude them from the distress which has elsewhere overtaken the fishermen and crofters and cottars, owing, almost exclusively, to the effects of storms and bad weather, or to causes beyond their control, and beyond the control of the proprietor.⁵⁷

Onto this request, Kemball also added a more general statement, outlining his views as to why there was such a division of prosperity in the county. It concentrated principally on the folly of crofters mixing farming with fishing and the need for better communications,

On the one side [the west] more generally than the other, crofters combine tillage with a sea-faring life, limited to the herring fishing, of which the proceeds are always precarious, and rely therefore less exclusively on their proper craft for a livelihood...This contrast however, is also in no small degree due to the superior advantages enjoyed by the east coast fishermen in the means afforded to them of transit to southern markets, as well as by the railway as by their proximity to the ports of Aberdeen, Banff etc.⁵⁸

He went on to explain that the poor quality of the land in the west also adversely affected their chances for prosperity.

This effort was rewarded, Lord Napier being happy to oblige, writing that, 'the Commission will not fail to visit the East Coast of Sutherlandshire.'⁵⁹ The Duke also offered the Commission a tour around the scene of his reclamations at Lairg on their visit in September, an offer Lord Napier was again happy to take up, 'I beg you will offer the Duke my best thanks...for his great kindness in proposing to meet us and show us his reclamations...and I don't suppose the most suspicious or

⁵⁷ SCRO, Chief Agent's Correspondence, K/1/8/20, Printed statement, Kemball to the Royal Commission, 18 May 1883.

⁵⁸ SCRO, Chief Agent's Correspondence, K/1/8/20, Printed statement, Kemball to the Royal Commission, 18 May 1883.

scrupulous critic of our proceedings could take objection to a meeting on such a scene!’⁶⁰

In fact, despite Kemball’s worry that the Napier Commission might condemn the Sutherland estate before the public eye, it seems that some of its members, particularly Lord Napier, Sir Kenneth Mackenzie and the secretary, Malcolm MacNeill, were privately sympathetic. In a private letter to Kemball written once the Commission had started its work, MacNeill reported the evidence as being, ‘wholly on one side, but today the other side are telling their story, and it is very clear that, at least in recent times, there is little to charge against the Proprietors beyond acquiescence...in squatting and over crowding.’⁶¹

The crofters also prepared for the arrival of the Commission, as they and their supporters realised the value of such public exposure and the necessity for preparing an effective case for their rights.⁶² A number of well-known activists were in Sutherland before the arrival of the Commission encouraging crofters to come forward with their complaints, including John Murdoch, formally of the *Highlander* newspaper, and Alexander Mackenzie of the *Celtic Magazine*.⁶³ The Sutherland factors kept a close eye on all proceedings, through their ground officers, although they did not interfere in any way, merely reporting back to Kemball. For example,

A Land League meeting was held tonight at Strathan by John Murdoch who greatly urged upon the people to form a committee clerk and treasurer and to war against their landlords for having the land free and to make everything ready to meet the

⁵⁹ SCRO, Chief Agent’s Correspondence, K/1/8/20, Lord Napier to Kemball, 24 May 1883.

⁶⁰ SCRO, Chief Agent’s Correspondence, K/1/8/20, Lord Napier to Kemball, 3 Sept. 1883. William Gunn, factor on the Cromartie Estate, also urged Kemball to ‘doctor’ the route the Napier Commission would take in Cromartie: National Archives of Scotland [hereafter NAS], GD 305, Estate Correspondence, 1882, Gunn to Kemball, 11 Jul. 1883.

⁶¹ SCRO, Chief Agent’s Correspondence, K/1/8/20, MacNeill to Kemball, 23 May 1883.

⁶² Hunter, *Crofting Community*, 144; Devine, *Clanship to Crofters War*, 220.

⁶³ Devine, *Clanship to Crofters War*, 225; I. M. M. MacPhail, ‘The Napier Commission,’ *Transactions of the Gaelic Society of Inverness*, 48 (1972-74), 447-448; A. G. Newby, ‘Shoulder to Shoulder? Scottish and Irish land reformers in the Highlands of Scotland, 1878-1894,’ Unpublished PhD thesis (University of Edinburgh, 2001), 176, 181-83.

Commissioners, and had told people that he was sent by Dr Cameron [of the *Oban Times*], one MacFarlane, one Fraser MacKintosh and a lot more which I don't mind and if the Highlanders were to be true to one another...that they would fight out against Parliament and all powers and get the land to be their own...pressing on the people to get ready for the Commissioners and not be timid before factors.⁶⁴

John Crawford, the Tongue factor, was very suspicious of these 'outsiders' and was concerned about the effect they might have on the tenantry, 'I regret to say that several of the agitators from Inverness and elsewhere have been with the Free Church minister of Farr and others prompting them and others who are prepared to listen to their revolutionary slanders.'⁶⁵ Angus Sutherland, the future M.P. for the county was also active at this time in Glasgow, trying to organise the Glasgow Sutherlandshire Association; in 1884 he was active in Sutherland promoting the establishment of branches of the Association there, as reported by Peacock, 'a public meeting is called for tomorrow evening to afford Mr Angus Sutherland another opportunity, I suppose, of expounding his ideas to the crofters. It is to be hoped that the people generally will not be led away by his misrepresentations – there will be a few I have no doubt, who will act under his advice, but in these times it is as well to be prepared for the worst.'⁶⁶

These 'outside agitators' were not the only threat perceived by the estate; the Free Church clergy in Sutherland were also seen, rightly, as taking a lead in preparing the crofters for the arrival of the Commission and providing more general

⁶⁴ SCRO, Chief Agent's Correspondence, K/1/8/20, McIver to Kemball, enclosing a report from the Assynt Ground Officer of a meeting on 27 Jun. 1883, 29 Jun. 1883.

⁶⁵ NLS, Acc. 10225, Policy Papers, 177, Crawford to Kemball, 23 Jul. 1883. See also 214, McIver to Kemball, 9 Aug. 1883. Similar concerns were also expressed by the Ulbster estate factor: see Ulbster estate MSS, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 29 Jan. 1883, 15 May 1883 and 8 Jan. 1884.

⁶⁶ NLS, Acc. 10225, Factor's Correspondence, 357, Peacock to Kemball, 10 Nov. 1884; see also 13 Nov. 1884. Gunn reported similar problems on the Cromartie Estate: NAS, GD 305, Estate Correspondence, 1882, Gunn to Kemball, 31 May 1883, Gunn to Duchess, 30 Jun. 1883. See also Newby, 'Shoulder to Shoulder,' 182.

leadership.⁶⁷ Needless to say, the factors were not pleased, and some of their most violent language was applied, not to the crofters, Skye men or the Irish, but to the Free Church clergy, 'The ministers as a rule are most likely to do harm than good by this interference...their representations are more likely to be coloured and incorrect, for the people will be sure to state very fully their complaints to them.'⁶⁸ All the factors believed that the Free Church clergy were set against them, at the cost of truth, neighbourliness and proper class loyalty. Crawford dismissed the evidence given by ministers to the Commission as,

A good specimen of clerical eloquence, with a good deal of the usual abuse of Factors and others who have to deal with the population. Mr McKenzie [sic] Dean of the Guild of Inverness, 'Nimrod' of the Highlander, MacKay, Hereford, and others have been amongst the crofters, together with the Free Church clergy; Cumming, Melness, MacKenzie, Farr, Mr MacNeill, Tongue, arranging meetings, addressing the crofters and framing 'Statements' of everything they could rake up for the last 100 years: whether disproved or not it was all the same.⁶⁹

The usually reserved Kembell was also angry about their behaviour, regarding it as damaging to the good relations between the Duke and his tenantry, and he advised the factors to either ignore or try to counteract their influence, 'It is not only in Assynt, but in Coigach, that the Free Church minister has exercised his baneful influence to set the tenants against the proprietor. Our best course would be to

⁶⁷ A. MacColl, 'The Churches and the Land Question in the Highlands of Scotland, 1843-1888,' Unpublished PhD thesis (University of Cambridge, 2003), 115; A. MacColl, 'Religion and the Land Question: the Clerical Evidence to the Napier Commission,' *Transactions of the Gaelic Society of Inverness*, 52 (2000-2002), 383-84.

⁶⁸ NLS, Acc. 10225, Policy Papers, 214, McIver to Kembell, 20 Feb. 1883; see also, 1 Jun. 1883. The role of the Irish, real and imagined, in the Highlands at this time is addressed in A. Newby, 'Scotia Major and Scotia Minor: Ireland and the birth of the Scottish land agitation, 1878-1882,' *Irish Economic and Social History*, 31 (2004), 23-26.

⁶⁹ NLS, Acc. 10225, Policy Papers, 177, Crawford to Kembell, 26 Jul. 1883. Similar meetings were also reported on the Cromartie estate: NAS, GD 305, Estate Correspondence, 1887, Alex. Ross, ground officer to Gunn, 1 Sept. 1884 and 16 Jan. 1885.

ignore his existence and intervention and deal directly with the parties concerned.⁷⁰ The estate was able to identify who they felt were the worst clerical offenders. Without a doubt, Rev. Norman N. MacKay of Assynt parish came top of the list for sheer interference and involvement in the crofters' cause.⁷¹ On his evidence to the Napier Commission, McIver could hardly contain himself, 'Mr MacKay, the Free Church minister gave some very extraordinary evidence...Many of the statements made I did not consider worthy of notice.'⁷² Rev. Mr Ross, the Free Church minister of Durness also came under a barrage of criticism after giving his evidence to the Commission, '[He] made a number of mis-statements in his examination. He intimated something against all the Duke's officials, especially the Ground Officer, who has been a most useful kind man amongst the people and is a most efficient servant of the Duke's.'⁷³ In the Tongue district, Crawford's least popular minister was Rev. MacKenzie, the Free Church minister of Farr, whom he derided, perhaps a little complacently, for his efforts at galvanising the crofters into action, 'I have just learned that the Rev.d D. MacKenzie...has been lately engaged in hawking a petition through the parish of Farr to signature praying the Duke to remit rent to the small tenantry. I also hear that a good many of the tenants look upon it as a good joke being neither more nor less than a scheme to obtain a little popularity by a seeming regard for their interests.'⁷⁴ The Free Church ministers of Melness, Rev. Cumming, and Tongue, Rev. MacNeill were also mentioned in dark tones to the upper management.⁷⁵ Lastly, in the Dunrobin management, Peacock was concerned about the Free Church minister in Helmsdale, Rev. Mr MacRae; Peacock referred to him as, 'the resident agitator,' and reported on his activities as chair of crofters meetings, and the help he gave to the visiting Angus Sutherland.⁷⁶ The estate management reacted so strongly to the Free Church ministry's conversion to the

⁷⁰ NLS, Acc. 10225, Crofters, ZO/h, Kemball to McIver, 25 Feb. 1884.

⁷¹ See NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 20 Feb. 1883, 26 May 1883, 1 Jun. 1883. See also MacColl, 'The Churches and the Land Question,' 152.

⁷² NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 26 Jul. 1883: See also MacColl, 'The Churches and the Land Question,' 158.

⁷³ NLS, Acc. 10225, Policy Papers, 214, McIver to Kemball, 9 Aug. 1883.

⁷⁴ NLS, Acc. 10225, Policy Papers, 177, Crawford to Kemball, 6 Nov. 1882. See also 5 May 1882.

⁷⁵ NLS, Acc. 10225, Policy Papers, 177, Crawford to Kemball, 5 May 1882.

⁷⁶ NLS, Acc. 10225, Factor's Correspondence, 357, Peacock to Kemball, 10 Nov. 1884 and 13 Nov. 1884.

crofters' cause because they were influential individuals in both remote crofting communities and the outside world; their evidence was listened to with respect by the Napier Commission, as it came from highly educated men trained outwith Sutherland.⁷⁷ For these reasons, they were a significant threat to the reputation of the estate, and perhaps explains why the factors denounced them so forcefully.

The Napier Commission

They [the crofters] are discontented, and sheep farmers are discontented, and what is to become of the county in these circumstances? – The Millennium. That will make us all right and I am looking forward to it.

Can you not suggest anything more practical than looking forward to the Millennium?⁷⁸

The Napier Commission was appointed by the Government in May 1883 with a deliberately wide remit; to examine crofters' grievances in the Highlands and make policy recommendations.⁷⁹ The creation of such a Commission was a victory for crofters and their supporters, but initially they were disappointed in the personnel appointed, deeming them to be favourably biased towards the landlord lobby.⁸⁰ There was a small grain of truth in this, as regards the Sutherland estate. Lord Napier corresponded directly and on friendly terms with the estate during the work of the Commission and later as an advisor.⁸¹ Another landowner on the Commission, Sir Kenneth MacKenzie, was also happy to advise Kemball on policies towards crofters in the wake of the Commission and in anticipation of legislation. Of course, both men were sympathetic to the crofter's grievances, but they were keen to help their fellow landlords in facing the challenges of a new era.

⁷⁷ See also Richards and Clough, *Cromartie*, 299 and 332; MacColl, 'The Churches and the Land Question,' 132.

⁷⁸ *Napier Commission Evidence*, 2791, Mr Thomas Purves, sheep farmer, Sutherland, questioned by Charles Fraser Mackintosh.

⁷⁹ Cameron, *Land for the People*, 19.

⁸⁰ Cameron, *Land for the People*, 19-20.

They believed, and Kemball agreed, that some reforms would have to be made on Highland estates and that the high level of control landlords and factors were used to exercising over their tenants would have to end. One of the first instances of this new policy came before the arrival of the Commission itself, and concerned the treatment of witnesses after they had given evidence. The Napier Commission could not force estate managements to promise fair treatment towards those crofters who did testify, but most recognised that in order to stay in favourable public odour, they could not treat witnesses unfairly or have them evicted for the negative statements they might make. The Duke and Kemball realised this, but it seems some of their staff had trouble accepting it. Kemball was alarmed when he noticed McIver had made a statement,

Which is at variance with the views and intentions of his Grace. It was, speaking from memory, to the effect that you had not pledged yourself not to evict the delegates in question. His Grace is practically so pledged and has resolved that there shall be no molestation of any man for the evidence he may have given to the Royal Commission, whatever its character. It is not certainly intended that the office of delegate should presume exemption from the payment of rent or from the observance of estate rules but that the delegate should be absolutely absolved from responsibility for his statements.⁸²

Again, this shows an estate divided in the face of new challenges coming from crofters' groups and the Napier Commission.⁸³ McIver felt genuine surprise and hurt when his views were laid to one side, believing that all his suggestions were made in the interests of the estate,

⁸¹ SCRO, Chief Agent's Correspondence, K/1/8/20.

⁸² NLS, Acc. 10225, Crofters, ZO/h, Kemball to McIver, 26 Apr. 1884.

⁸³ Many factors were discomfited by the thought of tenants speaking out publicly: see E. A. Cameron, *The Life and Times of Fraser Mackintosh, Crofter M.P.* (Aberdeen, 2000), 223.

While I have the honour to serve the Duke and remain here I feel bound to carry out his wishes – at my age that cannot be very long. I have had a trying and difficult time of it lately, and I feel hurt at this stage to be treated as I have been – that after my long service and experience in this district, my opinion on a vital point connected with it should have been ignored as it has been.⁸⁴

The Napier Commission took evidence in a number of locations in Sutherland, due to its huge size, and of course, at the request of the estate management, which wanted both east and west coasts visited. The Commission took evidence in Bettyhill, Kinlochbervie, Lochinver, Helmsdale, Golspie and at Bonar Bridge and also heard some evidence of relevance to Sutherland in Inverness, Glasgow and Edinburgh. This section will examine what the main grievances of the crofters were, as well as the defence of the Sutherland estate management.

In common with nearly all crofter delegates in the Highlands, those in Sutherland complained of four basic problems; lack of security of tenure, high rents, no compensation for improvements and lack of land. Their other main complaint was that they suffered under the ‘tyranny’ of estate factors and ground officers; from the records of the estate, this can easily be believed. Security of tenure was demanded by every delegate to the Napier Commission. Lord Napier asked various witnesses if they had ever asked the estate management for leases themselves; most said they had never tried because they were certain that they would not be granted, as it was not the custom.⁸⁵ This was similar to the situation in many crofting communities across the Highlands. Perhaps not so common was the belief in Sutherland that as the ducal family had been big evictors in the past, they could be again, ‘Not since the great Clearance in Strathnaver [had there been evictions], but the feeling rankles in the breast of the people that they may be turned out any day. They don’t believe that the present Duke would do it, but they don’t know about his successor, so that they have no encouragement to improve.’⁸⁶ These two issues of security of tenure

⁸⁴ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 17 May 1884.

⁸⁵ *Napier Commission Evidence*, 1621, John MacKay, Melvich.

⁸⁶ *Napier Commission Evidence*, 1647, Angus MacKay, Cattlefield.

and improvement of lots were frequently linked: two witnesses had suffered the loss of their improvements, proving that the case was not a theoretical one.⁸⁷

Another very common demand was for fair rents, although many delegates added that they did not believe the crofters were rack-rented on the Sutherland estate like those in Skye or Lewis were.⁸⁸ However, there were still complaints, the first of which was against the re-valuation of the estate's crofts in 1878 and the root of the so-called 'Death-Tax;' witnesses thought that this valuation had been unfairly and unjustly carried out. Some witnesses wanted the rents to be fixed by an arbitrator that the crofters had some faith in, 'Let an oversman appointed by the Government fix the rent – one acquainted with the nature of the soil and the climate, and the relative value of property in Sutherland.'⁸⁹ Another complaint was that although the crofters conceded they were not rack-rented, when the smallness of their lots were taken into consideration, the rents they paid were certainly too high.⁹⁰

The extent of land they cultivated was another bitter complaint made by almost every delegate; they emphasised the smallness of their land, its poor quality and how congested their townships were, 'Our chief grievance is the small size of our holdings and the want of sufficient hill pasture. We want more land to cultivate at a reasonable rent.'⁹¹ Due to over crowding in townships, land had been seriously damaged by overuse and productivity was falling, another factor contributing to the crofters' poverty, 'The present crofts, on account of being cropped every year since that time [the clearances], say for seventy years or thereabouts, fail to yield anything like what they did thirty or forty years ago.'⁹² Their solution was for the estate to 'return' to them land which had been lost in the clearances and subsequent small-scale enclosures:

⁸⁷ *Napier Commission Evidence*, 1635, Peter MacKay, Strathtongue. See also 1680, Donald MacKay, Laid; 1726, Rev. Mr N. MacKay, Rogart; 2436; 2443, Mr Angus Sutherland; 1611, Adam Gunn, Strathy West and 1633-35, Peter MacKay, Strathtongue.

⁸⁸ *Napier Commission Evidence*, 1725, Rev. Mr N. MacKay.

⁸⁹ *Napier Commission Evidence*, 1611, Adam Gunn, Strathy West.

⁹⁰ *Napier Commission Evidence*, 1612, Adam Gunn, Strathy West; 1626, Rev. Mr John MacNeill. Accusations over high rents also dogged Gunn in Cromartie: NAS, GD 305, Estate Correspondence, 1882, Gunn to Kemball, 31 Oct. 1883.

⁹¹ *Napier Commission Evidence*, 1611, Adam Gunn, Strathy West. See also 1597, 1602, 1616, 1621, 1624, 1635, 1644, 1691 and 1693.

⁹² *Napier Commission Evidence*, 1603, Donald MacLeod, West Strathan. See also 1611, Adam Gunn, West Strathy.

The great need is more land...The Government ought to come forward with a large and liberal measure, to co-operate with proprietors in once more getting the crofters and cottars settled in a fair measure of contentment and comfort. This would pay much better than wars with wild tribes. Let the crofters be settled on the land of their forefathers.⁹³

Leading crofter supporters demanded that the land laws in the Highlands be reformed to give the crofters back their ancestral lands, and to stop favouring the great landowners,

Our present land laws, by which a monstrous accumulation of landed property in the hands of a few is artificially encouraged, are, historically considered, merely a badge of conquest from the Conqueror downward, maintained and cherished by every device that the love of power, the pride of pedigree, family vanity, and the ingenuity of lawyers could invent. Economical value they have none, except of course, accidentally, as in the well known case of my noble friend, his Grace the Duke of Sutherland, who expended many hundreds of thousand pounds of income, derived from his Staffordshire estates, on the improvement of his Highland property.⁹⁴

The accuracy of this final statement concerning the success of the Duke's reclamations can be disproved, however, and even Blackie called this value 'accidental.'

These were the four main complaints of the crofter delegates in Sutherland, but a number of other interesting themes in their evidence became apparent and creates a more rounded picture of their situation in 1883. The first of these recurring issues

⁹³ *Napier Commission Evidence*, 1720, Rev. Mr N. MacKay. See also 1614, 1756, 2447 and 2508.

⁹⁴ *Napier Commission Evidence*, 3278, J. S. Blackie, Professor of Greek, University of Edinburgh: this was a reference to the reclamation projects of the 1870s.

was that of the history of the Sutherland estate and its relationship with its crofters, especially through the great clearances of 1809-21.⁹⁵ This was seen by the crofters as a defining moment for the estate and that their position ever since had been moulded by those events. When Lord Napier commented to some witnesses that it had been argued that the clearances were supposed to have benefited the people, he was strenuously contradicted and it was argued instead that they were at the root of the crofters' poverty in the 1880s,

We feel it is needless to enlarge upon the many evils which must of necessity have followed this sudden impoverishment of people who had hitherto been in comparative affluence. At one fell swoop progress was forever made impossible, and everlasting poverty made certain...We are well aware that the most persistent efforts have been made by those guilty of the cruelty of the Kildonan burnings to justify their actions. The state of the people before the clearances has been systematically misrepresented.⁹⁶

The idea that history had badly used the crofters was one repeated by other witnesses; one believed that as the crofters had no power or influence and an indifferent education, they had not been able to put their side of the story across to the public, 'Through the illiterate condition of our forefathers, no recourse was obtained through the publick [sic] prints of the land, so that our forefathers were branded by false reports and defamation of character.'⁹⁷ Some witnesses also talked of the emotional trauma of the clearances in their evidence, including some very old men who came to see the Commission in Edinburgh to give eye witness accounts of the actions of Sellar and Young seventy years previously, 'You would have pitied them, [the crofters] tumbling on the ground and greeting and tearing the ground

⁹⁵ C. W. J. Withers, 'Give us land and plenty of it: the ideological basis to land and landscape in the Scottish Highlands,' *Landscape History*, 12 (1990), 46-47.

⁹⁶ *Napier Commission Evidence*, 2432, Angus Sutherland. See also 1608-9, 1731, 1631.

⁹⁷ *Napier Commission Evidence*, 1681, Angus MacAskill, Tarbert. See also 3277, J. S. Blackie.

with their hands. Any soft-minded person would have pitied them.'⁹⁸ Crofters had far more practical concerns about the consequences of the clearances, however, consequences they were still living with and which formed the root of their demands and grievances. They argued that the clearances had put a long term and intolerable burden on the townships which families had been removed to, leading to congestion and poverty for everyone.⁹⁹ As one witness said in evidence which was repeated all over the county, 'There are forty-two crofters in this township [Strathy]. Previous to the Sutherland Clearances there were only four...the immediate result of these Clearances was over crowding.'¹⁰⁰ One witness described the townships after the clearances as 'just crowded like my fingers.'¹⁰¹ As well as being overcrowded, the people also complained about the quality of the land they or their fathers had been removed to,

That we and our forefathers have been cruelly burnt like wasps out of Strathnaver, and forced down to the barren rocks of the sea-shore, where we had in many cases to carry earth on our backs to form a patch of land. And now, after we have improved the land, at our own expense, and built houses, our rents are raised at every opportunity.¹⁰²

One witness claimed bluntly that, 'It was like penal servitude to put people to cultivate such a place.'¹⁰³ Another witness warned of the consequences of ignoring these wrongs, 'The young people are becoming more intelligent, and their indignation at the wrongs done to their fathers and grandfathers, which still remain

⁹⁸ *Napier Commission Evidence*, 1617, Angus MacKay, Strathy Point. See also, 2431, 2457, 1649, 3221, 3237.

⁹⁹ Hunter, *Crofting Community*, 124-125.

¹⁰⁰ *Napier Commission Evidence*, 1611, Adam Gunn, Strathy West. See also 1631, 1645, 1733, 1755, 2431.

¹⁰¹ *Napier Commission Evidence*, 1616, Angus MacKay, Strathy Point.

¹⁰² *Napier Commission Evidence*, 1645, Angus MacKay, Cattlefield.

¹⁰³ *Napier Commission Evidence*, 1677, Donald MacKay, Laid. See also 1734, William MacKenzie, Clashnessie.

unredressed, and the fruits of which they are now compelled to reap, is fast increasing.'¹⁰⁴

The crofters were not the only ones who had to live with the clearances, however; in much of the evidence given to the Napier Commission, the name of Patrick Sellar was raised.¹⁰⁵ To the crofters he was a historic enemy, and they habitually blamed him, not the ducal family, for the crueller aspects of the clearances,

I cannot say who was the cause, but this is my opinion – Sellar was factor, Roy was clerk, and William Young was head factor, and they had Lady Stafford under their own control, and the factors were something troubled gathering their rent, and they just blindfolded Lady Stafford and said – ‘We will give you £100 or £200 out of that and move the people out of the place and give money to you all at once’ and the people were removed.¹⁰⁶

Sellar was clearly a hate figure for the crofters, but despite this, two men tried to defend his name in the 1880s; his sons Thomas and Patrick.¹⁰⁷ Thomas went before the Commission in Edinburgh to give a verbal defence, and he also published a book on the same subject.¹⁰⁸ Patrick was the tenant of his fathers’ farms in Sutherland and he asked the estate for help in forming this defence, and in helping his brother, ‘It is my father’s conduct as factor that is assailed. As a sheep farmer I think no one blamed him in his treatment of others.’¹⁰⁹ Sellar believed that he and the estate should work together, as their aims were both the same; curbing the

¹⁰⁴ *Napier Commission Evidence*, 1715, Rev. Mr N. MacKay. See also 1596, 1726, 2506, 2593 and Withers, ‘Give us Land,’ 48.

¹⁰⁵ E. Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh, 1999), 365-7 and I. M. M. MacPhail, ‘The Napier Commission,’ *Transactions of the Gaelic Society of Inverness*, 48, (1972-74), 455.

¹⁰⁶ *Napier Commission Evidence*, 1618, Angus MacKay, Strathy Point.

¹⁰⁷ They had taken similar action in the 1850s when their father’s reputation had been attacked in the press. See Richards, *Patrick Sellar*, 349, 362.

¹⁰⁸ *NCE*, 3177, Thomas Sellar; T. Sellar, *The Sutherland Evictions of 1814* (London, 1883). See also, Richards, *Patrick Sellar*, 366; MacPhail, ‘Napier Commission,’ 455.

¹⁰⁹ NLS, Acc. 10225, Factor’s Correspondence, 787, Sellar to Peacock, 2 Oct. 1883. See also Richards, *Patrick Sellar*, 247.

crofters' agitation or, 'cleaning up some communistic ideas.'¹¹⁰ He requested from Peacock old records of the estate so that he could build up a defence of his father, but Peacock refused.¹¹¹ He thought that the issue should be laid to rest, firstly because he believed it to be in the irrelevant past, and that it was pointless denying that they had happened, and secondly, because continuing debate on the clearances shone an unfavourable light on the family name and estate,

You are aware that I have no personal knowledge of the operations you refer to in 1812 and 1819; it would be a very difficult matter to extract from the old rentals, even if they were all forthcoming, all the information you desire. The fact cannot be questioned that the tenants were removed from certain districts to make way for the introduction of Sheep Farming, by order of the proprietor. Do you think it can be of any great importance to lay before the Royal Commission the date of each particular transaction and the names of the respective sheep farmers put in possession of the land?...to attempt to do more, will, I respectfully submit, only invite further discussion about matters in detail.¹¹²

Peacock took a practical view of the clearances, neither denying them nor discussing them. This was the general position of all the estate management on the clearances before the Commission.

A number of possible solutions to the crofters' problems were put forward. One witness claimed that if he was a young man on the estate, he would rather emigrate than continue under the Sutherland management, 'I would prefer to put 3000 miles of the Atlantic between me and the estate...[when asked why]...That I would not be annoyed, because it is not easy for a spirited man to put up with what he feels.'¹¹³ Crofters and their supporters were ambivalent about emigration in the main,

¹¹⁰ NLS, Acc. 10225, Factor's Correspondence, 787, Sellar to Peacock, 1 Oct. 1883.

¹¹¹ Sellar, *Sutherland Evictions*, preface.

¹¹² NLS, Acc. 10225, Factor's Correspondence, 353, Peacock to Sellar, 1 Oct. 1883.

¹¹³ *Napier Commission Evidence*, 2541, Donald Simpson, Clyne parish.

however; some claimed that the growing population could not be accommodated in Sutherland and that many had emigrated from simple lack of room, 'They just struggle through the world some way or another. They go to work in all quarters of the world, and gather money to support their families.'¹¹⁴ That land hunger was at the root of emigration was generally asserted; what people thought of it generally as a good or bad thing varied more widely. One native who had emigrated thirty years previously thought that emigration would be good for the crofters as their situation would improve, 'I can say that in both North America and New Zealand, I have seen the same class of men working the same as the crofter class here, and because they were certain of the fruits of their labour and industry which they expended on the soil...they had this great inducement to persevering industry which the people here don't understand.'¹¹⁵ However, that was not how all crofter supporters saw the situation; some argued that even if they wished to, the crofters were too poor to emigrate without help.¹¹⁶ There were few outright rejections of emigration as a solution to the crofter's problems by witnesses in Sutherland, but few advocated it either.

There were no other practical or detailed solutions to the crofters' grievances offered to the Napier Commission in Sutherland, with the exception of those devised by Mr George Greig, the Duke's Reclamations Commissioner since 1881. He made it very clear, however, that he was not giving evidence in his capacity as an employee of the Duke or representing him in any way, 'I may say I have no authority from the Duke of Sutherland to come here and make any statement whatever.'¹¹⁷ Greig did have a number of ideas he wished to share with the Commission, however, based on his experiences in Kildonan strath, over which he had control. He suggested that land in the interior straths of Sutherland, like Kildonan, should be parcelled out to crofters, and to help them stock their expanded lands, he thought the Government should pass a law that would allow stock to be

¹¹⁴ *Napier Commission Evidence*, 1605, William MacKenzie, Strath Halladale. See also, 1597, 1628, 1649.

¹¹⁵ *Napier Commission Evidence*, 1680, Donald MacKay, Laid. See also 1751.

¹¹⁶ *Napier Commission Evidence*, 1755, Donald Munro, crofter, Strathan.

¹¹⁷ *Napier Commission Evidence*, 2472, George Greig.

mortgaged.¹¹⁸ His ideas caused a great deal of upset in the rest of the estate management, as they feared that they would be interpreted by some as a promise for future estate policy, 'It is no part of his duty as agent for reclamations, to give expression to the Duke's views and intentions in respect to the management of His Grace's estate...I hold proofs nevertheless that he declared to certain editors to be the Duke's representative in this matter and his communications to be official.'¹¹⁹ Kemball was so annoyed with Greig over his alleged actions that he went further, venting his spleen over the failure of the reclamations in Sutherland, accusing Greig by implication of responsibility for the failure,

I am quite willing to come to close quarters with Mr Greig in the settlement of any question within my province, whatever the character he may assume in the 'Enemy's Camp'...We have had enough of exparte agency in respect to reclamations, as to which I have not concealed nor will conceal my views and conclusions in due season. For the moment it is sufficient to say that had the Duke listened to his responsible advisors...very different results would have been obtained and we should have been spared, besides heavy loss, much of our present difficulties.¹²⁰

Kemball went on to try to defend his own position regarding the crofters in Sutherland, and denounce Greig's suggested solutions as unworkable within the existing boundaries of property rights,

Mr Greig cannot know what I have done or what I am doing under the Duke's authority to ameliorate the conditions of the crofters, in true sympathy for whom I yield nothing to him and on whose behalf I am as well assured as he can be that His Grace

¹¹⁸ *Napier Commission Evidence*, 2463, George Greig.

¹¹⁹ SCRO, Chief Agent's Correspondence, K/1/8/20, Kemball to unknown correspondent, 17 Jul. 1884.

means every practical and reasonable concession to be made. What I have not done...is to talk clap trap about dotting the straths with crofts...Plausible generalities of this kind referred to, the stock in trade of agitation, whose designs Mr Greig professed to counteract, are directed only to give birth to hope sure to be falsified, as being realisable only by careful action gradually in the manner that I wish to realise them.¹²¹

This dispute further highlights the divisions and occasional open hostility within the estate management and the extent of Kemball's desire to keep a tight control over policy decisions and image of the estate.

The estate management had its chance to defend itself against the accusations made against it by crofter delegates. All three factors gave evidence to the Commission, as did Kemball himself and the family's legal representative, A. S. Black. Their prepared statements give a good idea of where they thought their best defence lay. The first factor to meet the Commission was Evander McIver, seventy-three year old veteran of the Famine and the clearances of the 1850s. A brief summary of his evidence shows how he viewed the crofters. He firstly explained the reasoning behind the 'Death Tax' to the Commissioners, then went on to list the expenditure of the estate on crofters since 1845; he then complained that the crofters broke estate rules by subdividing their crofts, failed to improve their position by taking the step of separating crofting and fishing concerns and suggested that half of the population of Scourie should emigrate to ensure the prosperity of the remainder.¹²² He also claimed that dissatisfaction on the part of poor people was present in every estate, 'Under every proprietor and factor, let them be kind and good and liberal as they may, there will be some dissatisfied

¹²⁰ SCRO, Chief Agent's Correspondence, K/1/8/20, Kemball to unknown correspondent, 17 Jul. 1884.

¹²¹ SCRO, Chief Agent's Correspondence, K/1/8/20, Kemball to unknown correspondent, 17 Jul. 1884.

¹²² He lays out these views in his memoirs also: E. McIver, *Memoirs of a Highland Gentleman: Being the reminiscences of Evander McIver of Scourie* (ed.) Rev. Geo. Henderson, (Edinburgh, 1905), 213.

spirits.¹²³ He also argued that the large sheep farmers were of more benefit to the proprietor than crofters because, 'it is always desirable for the landlord and the county that the tenantry should be thriving and prosperous. There is nothing more trying than a poor tenantry to the proprietor.'¹²⁴ McIver was recalled before the Commission to answer more specific charges made against him in later evidence. He had to defend himself against charges concerning Clashmore, the misunderstanding surrounding the Death-Tax and severity towards widows. There is a hint of impatience in his second batch of evidence, and he said of the crofters that, 'They have so many misunderstandings I am not at all surprised at it; they have so many misunderstandings as to what is done by the landlord's agent.'¹²⁵ McIver refused to be drawn on the question of the clearances when asked about them by Lord Napier. He eventually conceded enough to say that he believed they were not intentionally cruel, but tried to avoid the question altogether, 'That is going back to a time before you or I was born, and it is a subject on which I have no knowledge whatever.'¹²⁶ He ended by extolling the virtues of the dukes of Sutherland, 'Now I think it my duty, after being thirty-eight years in the service of the Duke of Sutherland, to express in the highest terms, the kindness and the liberality with which the tenants have been treated, in my opinion, by the Duke of Sutherland. I have served both father and son.'¹²⁷ Overall, McIver's evidence was fairly cautious; he was far less outspoken in public than he was when writing privately to the other factors. He was fairly gentle on the crofters and did not mention the Free Church clergy or outside agitators at all. There was a clear sense of inflexibility and impatience in his evidence, however, as well as an unwillingness to accept responsibility for the past or for misunderstandings between the estate and the crofters. Additionally, land reform does not seem to have been a phrase in his vocabulary.

Next in front of the Commission were Joseph Peacock, the Dunrobin factor, and Sir Arnold Kemball, who appeared together. It was Kemball who did most of the

¹²³ *Napier Commission Evidence*, 1707, McIver.

¹²⁴ *Napier Commission Evidence*, 1710, McIver; also McIver, *Memoirs*, 76.

¹²⁵ *Napier Commission Evidence*, 1763, McIver.

¹²⁶ *Napier Commission Evidence*, 1708, McIver.

talking, starting with a long statement which included statistical support for his arguments; these concerned expenditure on crofters' holdings, general revenue and expenditure of the estate and evictions. Kemball also suggested emigration as a solution, 'it is surely a matter of congratulation rather than that the lots themselves should be divided.'¹²⁸ Like McIver, he refused to comment on the clearances, 'I don't enter into the question of the Clearances, whether they were right or wrong. They took place eighty years ago, and we have to deal with facts as they are.'¹²⁹ He also ended his evidence with the assurance that the Duke wanted to help his tenants, although only in the vaguest sense, 'The Duke, I know, wishes well to his people, and will do what is good to them, but I cannot pledge myself to anything.'¹³⁰ Overall, Kemball's evidence was very formal and he was careful not to commit the estate to any future action. He stuck to his statement and refused to be drawn on questions beyond it, including the clearances. It was a clinical and factual response, aimed at counteracting the emotionally charged but more vague evidence of the crofters and their supporters. He did not, however, suggest any remedies, contenting himself with justifying the estate's actions since 1861; his suggestions would come in the following year.

Last of the factors to give evidence was John Crawford, and his performance was quite different in tone and style to that given by his colleagues; indeed, he was nearly dismissed for his behaviour. Crawford was aggressive, sarcastic, dismissed any criticisms, and made some disrespectful comments about the local Free Church minister.¹³¹ He also went on to claim that the estate was not responsible for the poverty in Sutherland, as it, 'does not arise from any peculiarity in the management,' and that the Duke of Sutherland was easily accessible to all his tenants, 'The Duke is as easy of access to the poorest tenant on his estate as he is to me.'¹³² There was a distinct lack of caution and respect in his evidence, making the

¹²⁷ *Napier Commission Evidence*, 1770, McIver.

¹²⁸ *Napier Commission Evidence*, 2527, Kemball: see also E. Richards, 'An anatomy of the Sutherland fortune: income, consumption, investments and returns, 1780-1880,' *Business History*, 21 (1979), 63-64, 67.

¹²⁹ *Napier Commission Evidence*, 2527, Kemball.

¹³⁰ *Napier Commission Evidence*, 2533, Kemball.

¹³¹ *Napier Commission Evidence*, 2556, Crawford: see also, MacPhail, 'Napier Commission,' 458.

¹³² *Napier Commission Evidence*, 2558, Crawford.

accusations of official arrogance and tyranny easily believable. Crawford retired in 1885 under a cloud of displeasure generated by his performance in front of the Napier Commission, and more general mistakes he had made in the past which had damaged the estate's reputation. Kemball made it clear to him that the Duke would have dismissed him immediately in 1883, but for his own intervention,

It is not only the incident connected with the Armadale common pasture and your unauthorised action in respect to the advances of seed; but the numerous instances of embarrassment occasioned by your management, of which our correspondence during the past two or three years is replete, that have forced upon His Grace the conviction that the time has arrived for desiring your retirement; and but for my intervention, that conviction would have found expression after you had given your evidence before the Royal Commission at Bonar.¹³³

It was clear to Kemball that such a person as Crawford, and his style of management, was no longer tenable in the new atmosphere of crofters' agitation. His style was too arbitrary; he took action without consultation and by the 1880s, they were increasingly the wrong actions. He was let off with a honourable retirement, however, rather than a dismissal as mark of respect for the decades of service he had provided.

Lastly, the family's legal agent in Edinburgh, A. S. Black, of the firm MacKenzie and Black, also made a statement, although it was not, it seems, vetted by Kemball before it was read out before the Commission. Like Crawford's it was incautious and addressed contentious issues such as the clearances and the reclamations head on. Firstly, he dealt with the clearances; he did not seek to deny them or their harsh consequences for crofters, but claimed that the Sutherland family had tried to atone for them, 'It is well known that the house of Sutherland ever since, down to the present Duke, has put forth splendid efforts to efface the evil consequences of what

¹³³ NLS, Acc. 10225, Policy Papers, 145, Kemball to Crawford, 5 Jan. 1885.

happened at the beginning of the century.'¹³⁴ He also made a supportive statement about the character of the Highlander, denying that they were lazy or stupid; whether this was a veiled criticism of the Sutherland factors is not clear, but Black was certainly trying throughout his evidence to put across a crofter-friendly impression of the Sutherland estate,

It is an easy matter to say that they are lazy, and to say every other bad thing about them, if they are in your way and you want to get quit of them...The Highlander is not lazy, but he refuses to be a serf - he refuses to be treated as a Red Indian, but insists on being a man, and as good a man at least as his oppressor.¹³⁵

He also came clean about the real intention of the reclamations of the 1870s; that they had been intended to benefit the Sutherland sheep farmers, not the small tenants as was sometimes claimed, 'These [works] have not always been directed for the permanent benefit of the crofters. This is especially true so far as the vast expenses and extensive reclamations in Lairg are concerned.'¹³⁶ He did, however, assure the Commissioners that the Duke was planning to break down some of his large sheep farms into new crofts for the crofters.¹³⁷ It is not clear whether Black had any authority to make such a promise, but plans were laid later in 1884 for a scheme along those lines.

In conclusion, the estate management did not present a united or very effective front before the Napier Commission. Kembell, Peacock and McIver followed a pattern of some sort, and their displeasure with Crawford later shows just how far he strayed from the performance expected of him. In general however, the evidence given was not impressive; no remedies were suggested for the crofters' grievances, and only a defensive description of the present situation was offered. As far as possible the management would not comment on historical issues such as the

¹³⁴ *Napier Commission Evidence*, 2599, A. S. Black, lawyer.

¹³⁵ *Napier Commission Evidence*, 2603-04, A. S. Black, lawyer.

¹³⁶ *Napier Commission Evidence*, 2604, A. S. Black, lawyer.

¹³⁷ *Napier Commission Evidence*, 2604, A. S. Black, lawyer.

clearances, something which must have been deeply unsatisfactory to crofter supporters who believed them to be the root of all their problems. Instead, they tried to defend the estate by using statistical evidence of the type the crofters and their supporters would have been unable to produce and finished by saying something positive about the Duke and his generosity and liberality. This rang slightly hollow and the evidence seemed remote, out of touch and overcautious; only Crawford betrayed his contemptuous feelings for the whole process. This poor performance in front of the Napier Commission only reflected the wider truth that the estate was not coping well with the challenges it had been confronted with since 1882. Difficult under any circumstances to keep such a large organisation united, in the face of such a contentious issue as land reform it proved impossible for the Sutherland estate. Despite all the advantages the estate had on its side – influence over the Commission itself, statistical and historical resources and time – their defence was still poor. The many tensions between different members of the management contributed to the lacklustre and contradictory defence, from which sprang questions and accusations against the estate which would not go away in the future.

1884: A year in Limbo

After the Napier Commission had completed taking evidence and produced its Report, the Sutherland estate management, along with its crofters, waited for the results. Most expected legislation, but it became clear as the months passed that the Government was not going to act. This was partly caused by disagreement over the conclusions of the Report of the Commission, and also in part due to the Government's wish for Highland landowners to work out their differences with the crofters without having to resort to legislative intervention. Eventually, protest resumed in Sutherland as no legislation was forthcoming; branches of the Sutherlandshire Association continued to be formed and political meetings held. There were also two large Franchise demonstrations in October 1884, highlighting the scale of organisation and unity in the Crofters' Movement at that time.

However, the estate was also very active on the crofter question in 1884, and tried to produce its own solution to the problem, in lieu of government help.¹³⁸

The Duke's Memorandum

Despite the title, this document was, predictably, penned by Kemball, after extensive consultation with a number of knowledgeable advisors, including the three factors, Lord Napier, Sir Kenneth MacKenzie and a Mr Whitbread, a large sheep farmer in Sutherland. The document was then authorised by the Duke, published and sent to the crofters.¹³⁹ It sprang from a much longer and more detailed paper on the crofter question written by Kemball in August 1884, in which he laid down what he believed to be the principles which were essential for the solution of the 'Highland Problem.' He believed, firstly, that irresponsible landowners had drawn attention to the Highlands, and that they had brought down potential legislation on their own heads, 'It is the abuse of their rights and privileges and the disregard of their obligations, by the jobbing sort of landowner, which alone justify legislation. Legislation would, on this ground, be welcomed by landowners generally, who duly appreciate and are willing to pursue, the equities of their position.'¹⁴⁰ Kemball concluded that good landowners had nothing to fear from legislation; indeed, it would serve to clarify their position and responsibilities. He then went on to list a number of matters that should come within the remit of potential legislation, including rents, tenure, size of crofter holdings, leases and common pasture. These practicalities were dealt with in the first half of the paper; Kemball then addressed wider evils he had identified in crofting society at large. The first of these were cottars. Kemball ruled that none of the benefits he intended for crofters should be given to cottars, and he insisted that they be treated as labourers, not potential farmers, 'The right of the landowner to prohibit squatting, as being of the nature of trespass, to be upheld by law. Cottars without land occupy the position of labourers. Their number must necessarily be limited by the demands

¹³⁸ Cameron, *Land for the People*, 32-33.

¹³⁹ See Appendix A.

¹⁴⁰ NLS, Acc. 10225, Crofters, ZN/a, Paper as to Crofters by Kemball, 14 Aug. 1884: see also McIver, *Memoirs*, 75.

for labour...but this discretion should be regulated by recognised sanitary rules in respect to the cottar's dwelling.'¹⁴¹ Kemball also made a strict distinction between crofters and fishermen, 'Fishermen grouped in villages, as distinguished from (scattered) townships, must be precluded from crofting, and, so far as the obligations of the landowner are concerned, restricted to their calling.'¹⁴² He would allow fishermen to hold potato land, but that was all. He then turned his attention back onto the crofters themselves and the vexed question of land hunger. He made two points clear at the beginning of this section; first, that the estate would concede to the expansion of existing holdings, but not the creation of new holdings and second, that any results would not be immediate, 'the system under contemplation must necessarily take effect gradually, and time must be allowed for the landowner, extending even to a generation, to bring it into operation. But expansion, not multiplication of crofts being the object to be attained and practically attainable.'¹⁴³ Kemball's firmness on this point would leave a lot of people uncatered for, and his solutions for this 'surplus' population was first, emigration, and second, the development of communications to benefit the fishing industry. However, like many in the landlord lobby, Kemball wished to put the responsibility for these two spheres on the shoulders of government, especially from a financial point of view, 'the resources of Highland landowners are not always adequate to the purpose, and the independent agencies at work to promote the same ends may be deemed worthy of recognition and support of the state.'¹⁴⁴ Such a body would not be established until 1897 under the Congested Districts (Scotland) Act, but it was evident that Kemball, and landowners generally, were keen to see action in those areas, in return for making concessions to crofters in the form of enlarged crofts.

By producing this paper, Kemball hoped to construct a defence against the crofter campaigners by offering moderate reforms in order to stave off more radical losses. He made this clear to McIver, who had sent in a sheet of comments on the paper,

¹⁴¹ NLS, Acc. 10225, Crofters, ZN/a, Paper as to Crofters by Kemball, 14 Aug. 1884.

¹⁴² NLS, Acc. 10225, Crofters, ZN/a, Paper as to Crofters by Kemball, 14 Aug. 1884.

¹⁴³ NLS, Acc. 10225, Crofters, ZN/a, Paper as to Crofters by Kemball, 14 Aug. 1884.

¹⁴⁴ NLS, Acc. 10225, Crofters, ZN/a, Paper as to Crofters by Kemball, 14 Aug. 1884.

criticising all parts of it which offered concessions to crofters, much to Kemball's frustration,

The negative answer given to every scheme for the amelioration of the condition of the crofters without alternative proposal to the same end is disappointing the expectations of those who entertain moderate and reasonable views of the situation, and justifying the proceedings of leaguers and sympathisers, who, by urging their protégés to lawlessness, seek to force the hand of Government: a Govt [sic] whose policy in Ireland is an earnest of their acquiescence in agitation amounting to legalised coercion...Moreover, as I before warned you, the effect of continued inaction on our part must be to bring in outsiders, and deprive the Duke's responsible advisors of the control which is essential to a satisfactory issue. The Duke, and especially Lord Stafford, are prepared to make the necessary sacrifices.¹⁴⁵

If McIver did not appreciate these efforts, there were people who did. Lord Napier and Sir Kenneth MacKenzie both viewed the situation as Kemball did; that unless moderate reforms were offered soon, Highland landowners would be forced to give up more by Government at a later date.

Kemball turned this general paper into a much more specific Memorandum, which attempted to take the theory laid out in the paper and turn it into an experimental practical solution for the Sutherland crofters, addressing contentious issues such as leases, compensation for improvements and extension of holdings. Initially, it was to be a trial solution, but as it assured the crofters in point nineteen, 'As soon as these lands are absorbed [for extended crofter holdings], others may be provided to meet the requirements of the future.'¹⁴⁶ The lands referred to were specific acres in

¹⁴⁵ NLS, Acc. 10225, Crofters, ZN/a, Kemball to McIver, 3 Jul. 1884; see also 14 May 1884 and 5 Jun. 1884.

¹⁴⁶ NLS, Acc. 10225, Crofters, ZN/a, Memorandum in reply to Petitions to His Grace The Duke of Sutherland, from various parishes in Sutherland.

Rogart (400 acres), Embo Muir (150 acres) plus all of the reclaimed lands at Lairg (1300 acres); the Memo allowed these acres to be made available as crofts, to those crofters willing to relinquish the holdings they already had. They would be allowed nineteen-year leases for the land that had already been reclaimed and thirty-year leases for the land they would be reclaiming from scratch by themselves. They would also be required to set up Grazing Committees to make sure that the hill pasture allotted to them was properly used. The rent for these lots would be 'nominal' to begin with, but then, 'fixed by arbitrators mutually appointed,' once deemed fully reclaimed; the use of an outside arbitrator in fixing rents was becoming increasingly seen as necessary to reassure the crofters. This offer of land was limited to crofters, however; their families and cottars could not apply, as was made very clear in point four, 'To extend the desired privilege to Crofters' sons or relatives, or to Cottars, would be not only to perpetuate the limitation of the land of Crofters in possession – or, in other words, the state of things which it is ought to remedy – it would be beyond the means and resources of any proprietor.'¹⁴⁷ The lots given up by crofters moving to these new areas would be doled out among those left behind, extending their lands.

Kemball sought the advice of experts in the field of land reform on this paper before and after its publication. Lord Napier said that it reflected well upon the Duke and fitted in with the suggestions made in his Report, 'I have read the paper which you have had the goodness to send me with much interest. It contains ample proofs of the benevolent intentions of the Duke towards his small tenantry and as it seems in the main to be in harmony with the measures suggested by the Commission it must command my general concurrence.'¹⁴⁸ Napier had doubts that the provisions in the Memo could be applied across the Highlands, although that was not, of course, ever Kemball's intention. Indeed, in his paper, he tried to separate out 'good' landowners such as the Duke of Sutherland, from 'bad,' but Napier's view was more wide-ranging. His first concern was that the majority of landowners in the Highlands did not have the Duke of Sutherland's vast financial

¹⁴⁷ NLS, Acc. 10225, Crofters, ZN/a, Memorandum in reply to Petitions to His Grace The Duke of Sutherland, from various parishes in Sutherland.

¹⁴⁸ SCRO, Chief Agent's Correspondence, K/1/8/20 Napier to Kemball, 9 Mar. 1885.

resources, which had enabled him to propose to accept only nominal rents from crofters for nearly twenty years. Napier suggested that compulsory powers over proprietors would have to be introduced to force them to make these offers to their crofters,

I assure you I have no preference for compulsory measures and no desire to abridge the rights of property. But under the actual circumstances of the Islands, especially of Skye, I do not think that either expensive improvements would be carried out without some power of pressure on the proprietors, who are in some conspicuous cases so much embarrassed that voluntary effort on behalf of the crofter class can scarcely be expected from them.¹⁴⁹

He did approve wholeheartedly of the Duke's decision to allow rents to be fixed by arbitration, as an act symbolic of offering the olive branch to the crofters, 'It forms indeed an unexampled act of concession to the tenantry and ought to be received by them with the liveliest gratitude...The spirit which prompts the overture might persuade the people and the public generally, how truly the Duke desires to give his tenantry satisfaction.'¹⁵⁰ Napier thought the sacrifice of allowing rentals to be fixed by arbitration would be a public relations victory for the estate, an outcome Kemball also had in mind.

There was the vexed question of crofter townships to debate, however; the Memo stated that the crofters moved onto reclaimed lands would be organised into townships, like those suggested by Lord Napier in his Report. Some of Kemball's other correspondents disapproved of this idea. Sir Kenneth Mackenzie, a former Napier Commissioner, stated clearly in his letter to Kemball that,

¹⁴⁹ SCRO, Chief Agent's Correspondence, K/1/8/20, Napier to Kemball, 9 Mar. 1885.

¹⁵⁰ SCRO, Chief Agent's Correspondence, K/1/8/20, Napier to Kemball, 9 Mar. 1885. One of these 'embarrassed' landlords was surely Lord Macdonald of Skye, who by 1862 was in debt to the tune of £94,770.18.3 with a yearly rental of just £10,918.2.5 and no external supplies of cash. The situation became much worse in the 1880s with his crofting tenants on widespread rent strike. Of course, under these circumstances it would have been impossible for the Macdonald estate to attempt such schemes as the Duke of Sutherland was proposing. See Armadale Castle, Macdonald MSS, 5167, 'Note of total rental, draft of debts, and burdens of the Macdonald estates, 1862.'

You will hardly expect me to approve of the Duke's adoption of the recommendation "relating to the expansion of Townships"...considering how very generally the Township scheme has been disapproved of I would undertake to suggest that the Duke should not commit to it in writing, more especially as it would give agitators a line with which to work in part of the country when the Township scheme is not and ought not to be adopted.¹⁵¹

Mackenzie's disapproval of townships was well known; he had attached a paper to the Napier Commission Report giving his formal dissent from Napier's views, but he was not the only one who suggested that the Duke steer clear of committing himself to the idea of townships.¹⁵² Mr Whitbread, a sheep farmer on good terms with Kemball, suggested that the Duke should think carefully about the township scheme,

Why should you bind yourself by accepting the Report or recommendations of a Commission whose report has yet to commend itself to public opinion and government? The offer to adopt all practical means to improve the conditions of the crofters seems much better than to bind yourself to the principles of the Commission.¹⁵³

Overall, Kemball's advisors seemed to approve of the Duke's Memo (the Township principle aside), thought it liberal and good for the battered public image of landowners; indeed, their only criticisms stem from their belief that the Duke was

¹⁵¹ SCRO, Chief Agent's Correspondence, K/1/8/20 MacKenzie to Kemball, 13 Sept. 1884.

¹⁵² Cameron, *Land for the People*, 24-5.

¹⁵³ SCRO, Chief Agent's Correspondence, K/1/8/20, Whitbread to Kemball, 26 Sept. 1884.

being too generous.¹⁵⁴ Only MacKenzie, possibly through his connections with the HLLRA, felt that the crofters might not accept the terms offered in the Memo, warning at the end of one letter, 'Probably today in Sutherland they will expect better terms.'¹⁵⁵ In this prediction, MacKenzie was accurate.

After the Duke's Memo was distributed among the crofters, they discussed its terms in meetings organised by the Sutherlandshire Association and the Highland Association, usually led by the local Free Church minister and duly sent their replies to Stafford House. These were, without exception, and politely, negative. The reasons given for the refusal of the crofters to take up the Duke's terms were the same in every case; the alleged poor quality of the land offered for reclamation. The Rogart crofters published their answer to the Duke's Memo in the *Scotsman's* letters page, using the weapon of publicity to try to shame the estate management. Although they admitted that any offer of reform was better than nothing, 'these concessions are a great improvement on the past, and an earnest of something more in the future,' they still expected something more in the post-Napier Commission Highlands.¹⁵⁶ They claimed that,

It would be impossible for the petitioners to name any part of the county of Sutherland more useless and less capable of improvement than the portions at Lairg and Embo...As is well known to His Grace, the lands offered at Shiness were originally, at enormous expense, intended and reclaimed for large farms...no tenant could be got for them, and consequently they are lying on the hands of the proprietor at considerable loss...As no other use can be made of them these farms are now offered on certain conditions to the petitioners.¹⁵⁷

¹⁵⁴ SCRO, Chief Agent's Correspondence, K/1/8/20, Whitbread to Kemball, 26 Sept. 1884; Napier to Kemball, 9 Mar. 1885.

¹⁵⁵ SCRO, Chief Agent's Correspondence, K/1/8/20, MacKenzie to Kemball, 13 Sept. 1884.

¹⁵⁶ SCRO, Personal, P/24/7/10 Scrapbook, cutting from *Scotsman*, 29 Dec. 1884.

¹⁵⁷ SCRO, Personal, P/24/7/10 Scrapbook, cutting from *Scotsman*, 29 Dec. 1884.

The crofters evidently felt that they were being fobbed off with what the estate could afford to lose. They accused the estate of trying to recoup its losses on the reclamations, while at the same time generating a positive public image for itself after the damaging attacks made on it during the Napier Commission. The Rogart crofters bitterly continued that the Memo,

In effect, says to them – your only prospect in life is to follow your forefathers over the seas as soon as possible – this document is a painful proof of the feelings cherished by the house of Sutherland towards the rising generation – the bone and sinew of the people. And this feeling of surprise and regret is greatly enhanced by the fact that never was it so easy for his Grace to meet the just demands of many of the petitioners as at this moment, when an enormous amount of land, in the form of unlet sheep farms [is available]...it is respectfully and confidently expected that His Grace will not fail to observe that the crofter pays the proprietor and utilise the soil better than the class for whom the best portions of the county of Sutherland were cleared sixty or seventy years ago.¹⁵⁸

This rejection, and that of many other crofter townships in Sutherland sent a clear message to the estate management; that the crofters would not settle for scraps offered by the Duke, but wanted to have the land that had been taken away in the clearances restored to them. They felt that the estate should reverse the events of the past to atone for the suffering they had caused the crofters and they made their statement in the most public way possible in order to force the estate's hand into a more generous settlement.

All of Kemball's careful planning had backfired; he had hoped to make an impact on the crofter debate, set an example among the landowning community and answer the damaging accusations made against the estate during the Napier

¹⁵⁸ SCRO, Personal, P/24/7/10 Scrapbook, cutting from *Scotsman*, 29 Dec. 1884.

Commission. Instead he had received a humiliating public rejection of his offers which in turn sparked a further heated debate, putting the Sutherland estate just where he did not want it: in the national newspapers.¹⁵⁹ Kemball tried to mitigate the damage, writing personally to the *Scotsman* defending the quality of the land offered by the Duke and also issuing another statement to the Sutherland crofters, again through the *Scotsman*, claiming that those against the original Memo were probably a minority and offering the same terms to crofters who came to the estate individually, 'In order to afford the dissentients the opportunity of stating their wishes in a practical and tangible form, the Duke invites each individually to make known his requirements.'¹⁶⁰ The Rogart crofters, as reported in the newspapers, refused to come individually to the Duke, seeing the offer as a tactic to fracture their unity and therefore their political leverage. As Rev. N. MacKay urged them at a meeting, 'not to approach the Duke individually, for they could not expect his Grace to break down a large sheep farm for one man. (Applause). They should say that they were sorry his Grace resiled from his former position, which was, that unless a certain number came forward, he could not think of granting their request - and now he asked them to come one by one. (Applause and laughter). That did not look well from Stafford House.'¹⁶¹ In militant language used at the same meeting, one speaker called on the crofters to resist the pressure from the estate management to come to terms until the crofters got the terms they wanted, 'The Duke was coming down on them, but they would not stand it. (Cheers). They were blamed for being inexperienced and lazy, but they were neither the one nor the other. (Applause).'¹⁶² The estate had underestimated the scale of the crofter's demands; they would not be appeased by moderate reforms put forward by Kemball, just as Kenneth MacKenzie had predicted. The estate was supported in some quarters, and there was a distinct souring of relations between the Sutherland crofters and their management for their rejection of it,

¹⁵⁹ See SCRO, Personal, P/24/7/10 Scrapbook, cuttings from *Northern Ensign*, 25 Dec. 1884; *Scotsman*, 2 Jan. 1885, 8 Jan. 1885.

¹⁶⁰ SCRO, Personal, P/24/7/10, Scrapbook, cutting from *Scotsman*, 2 Jan. 1885.

¹⁶¹ SCRO, Personal, P/24/7/10, Scrapbook, cutting from *Scotsman*, 8 Jan. 1885.

The Duke of Sutherland, recognising the impossibility of providing with comfort for all the sons and daughters of crofters on his estates, recently made stipulations in respect to them in a memorandum as to granting more land which he addressed to certain crofters. From the time of the publication of that memorandum until now, the attacks on the Duke have never ceased. The Rev. Mr MacKay of Rogart, has led the way...[the Duke's] reward is, that he is denounced by a few of the more prominent agitators in the district. They know that his offer is good - that the principle involved in it must be beneficial, if applied to crofters generally; and they sneer at it and condemn it.¹⁶³

The failure of this scheme was the first indication to the Sutherland estate that the crofters would be harder to please than they had been in the past; that they wanted reform on their own terms, not the scraps from the ducal table. The estate management, through the failure of this scheme, realised for the first time that their traditional ascendancy over the crofters was coming to an end. The crofters were organised now, held meetings, and had new advisors; the Napier Commission had radicalised them and they were prepared to wait for government legislation. The estate, through the Duke's Memo scheme, was trying to retain power over the crofters it saw was slipping out of its hands. It thought that by pre-empting government legislation it could either block the necessity of government intervention on the estate or gain the respect of the government and the crofters: it was wrong.

¹⁶² SCRO, Personal, P/24/7/10, Scrapbook, cutting from *Scotsman*, 8 Jan. 1885.

¹⁶³ *Scotsman*, 12 Jan. 1885.

The Crofters' Lobby

He read on a placard in their meeting-house the inscription, 'Long live the Noble House of Sutherland.' Well, he hoped the noble house of Sutherland would long live, and let the crofters live also.¹⁶⁴

The failure of the Duke's Memo to appease the crofters at the end of 1884 shows how far the power and influence of the crofters lobby in Sutherland had come since 1882. Crofters could no longer be cowed by the estate and would resort to publishing correspondence with the estate in the newspapers to shame it. The type of comments made about the estate and the tone of the meetings held across Sutherland reported in the Press show a new bold and irreverent attitude towards the once-feared 'Castle Government,' and that the crofters refused to accept the Duke's Memo reflected their high expectations.

Alongside political activity focussed on land in Sutherland in 1884, was the wider question of franchise reform in Britain. There were two large franchise demonstrations in Sutherland in October, one in Golspie, the other in Strathnaver, attended by hundreds of crofters.¹⁶⁵ Those meetings reflected a wide range of burning issues, as well as the potential political allegiance of the crofters if they were to get the vote. As reported in the newspapers, many of the banners carried by the marching crofters demanded the franchise, 'The Franchise Bill for every man, so we'll support the Grand Old Man', 'We'll follow Gladstone with a will, and fight for Franchise and the Bill.'¹⁶⁶ However, the crofters also used this opportunity to put forward their views on other issues, such as land reform and the restoration of land taken in the clearances, 'Every man had a band on his hat, with the words, in most cases, "crofts on Strathnaver."' More mottoes on flags proclaimed, 'Farr

¹⁶⁴ SCRO, Personal, P/24/7/10, Scrapbook, cutting from *Inverness Courier*, 12 Mar. 1885.

¹⁶⁵ *Scottish Highlander*, 30 Oct. 1884.

¹⁶⁶ SCRO, Printed, V/10/536, cuttings on the Great Franchise Demonstration in Strathnaver 1884, *Northern Ensign*, 16 Oct. 1884.

demands the Highlands for the Highlanders and a vote for all householders'...Fearnain ur sinnsearad dhuinn air ais – restore us the land of our ancestors...The land for the people. For seventy years back we have been huddled on the shore; now we want our native straths peopled as yore.'¹⁶⁷ These mottoes and the meetings and demonstrations they were paraded at demonstrated a new political assertiveness among the crofting community.

There was an unexpected guest at these demonstrations; the Marquis of Stafford. He was the sitting M.P. for the county and was heavily involved in the organisation of these meetings. He appeared at the Golspie meeting to make a speech to his potential constituents, although he remained safely on the subject of the franchise, steering clear of land reform,

I need not tell you why we have met here today...You all know the reason, but we wish others were as wide awake as we are in Sutherland...We wish to show that we appreciate and are anxious to have the electoral privileges which have been offered to us (cheers). The people of this county have every right to be represented in the House of Commons (Hear, hear). At present that right is only held by a small minority...We may have full confidence that Mr Gladstone's Government will pass this Franchise Bill in spite of all difficulties.¹⁶⁸

This was possibly the first public appearance of Stafford in his new guise as the 'Radical Marquis,' an image he would develop further over the next eighteen months when he stood as a Crofter candidate in the 1885 election and penned his own Crofters Bill. He may have seen this demonstration as a good opportunity to come out as a radical crofter supporter, a position he must have converted to in late 1883 or early 1884. Facing his potential electors and publicly working towards their cause at this early stage was a shrewd stroke for the Marquis, and may have swayed

¹⁶⁷ SCRO, Printed, V/10/536, cuttings on the Great Franchise Demonstration in Strathnaver 1884, *Northern Ensign*, 16 Oct. 1884.

¹⁶⁸ SCRO, Printed, V/10/357, cutting from the *Northern Ensign*, 16 Oct. 1884.

some future crofter votes during the election in 1885. It should be clear, however, that at this stage, the crofters were unlikely to be coerced into supporting any estate-sponsored action; their collective rejection of the estate's concessions in the form of the Duke's Memo demonstrated their new assertiveness and from that point, relations between the estate and the crofters soured. Both now had to now wait for legislation to solve their problems, as they had failed to reach a solution by themselves.

1885: Election year

What tenderness! What pathos! What self-denial! What appeal! Crofters of Sutherlandshire, will you not respond to it? Weave around you the webs of officialdom, forge anew the links of your fetters, sell your liberties – do anything, but for Heaven's sake spare the feelings of a Marquis! Consider how your feelings were spared - your fathers, with their homesteads blazing to Heaven.¹⁶⁹

1885 promised to be a year of great change for the crofters of Sutherland; the first election after the reform of the franchise laws was due, and debate on the land question and demand for reform was increasing accordingly. However, there would be very little real change at all; the Marquis of Stafford retained his seat after a hard-fought battle with Angus Sutherland and long awaited legislation also failed to materialise, with the fall of the Liberal Government removing any further hopes of action until 1886. For the estate, a different opportunity to discuss reform presented itself, in the form of a meeting of Highland landlords which took place in Inverness. The meeting had been organised by Cameron of Locheil at the informal request of Sir William Harcourt, the Liberal Home Secretary, who urged Highland landowners

¹⁶⁹ SCRO, Personal, P/24/7/10 Scrapbook, cutting from *Northern Ensign*, 25 Mar. 1885, Letters page.

to come to some agreement with their tenants before the government had to step in and impose unpopular measures upon them.¹⁷⁰

Sutherland family influence was very evident at this meeting; the Duke himself had originally been asked to chair the meeting, but it was Lord Stafford who ended up doing the honours, 'Mr Cameron of Lochiel, M.P., moved that the Marquis of Stafford should take the Chair, and expressed regret at the unavoidable absence of his father the Duke of Sutherland.'¹⁷¹ He might well regret the Duke's absence; the Duke was influential in high circles, and this may have been viewed as a useful tool for the landlord lobby. The Marquis stood in, but whether this was a further part of his construction of an image of the crofter's friend or just the reality of his position as a landlord's son is difficult to tell. He made no contribution to the meeting beyond his chairmanship, which seems to have been a formality rather than an active position.

The resolutions agreed to at the meeting amounted to rather less than the terms offered to the crofters in the Duke's Memo of the previous year. They offered leases of nineteen to thirty years, revised rents and compensation for improvements. All of this was granted only to crofters in the strictest sense and only to those who were not in arrears. The landlords at Inverness did not offer any potential extension of holdings that the Sutherland estate had in 1884, even if it had been on worthless land. There were some areas of common thinking, however; on the necessity of the government to step in to develop the fishing industry and communications in the Highlands, and to help those who wished to emigrate, for example.¹⁷²

Stafford was not the only representative of the estate at the meeting; the family's legal agent in Edinburgh, A. S. Black, also attended and reported back to Kemball. He was careful to point out that the resolutions agreed to were not meant to be outlines for potential legislation; indeed, they were to be just the opposite, 'It was

¹⁷⁰ Report, 'Conference of Landowners at Inverness,' *Transactions of the Gaelic Society of Inverness*, 2 (1884-5), 134; E. A. Cameron, 'The Political Influence of Highland Landowners: A Reassessment,' *Northern Scotland*, 14 (1994), 30; Cameron, *Land for the People*, 16-17, 25, 28-29 and Hunter, *Crofting Community*, 153. See also Armadale Castle, Macdonald MSS, 4722, Circular to Proprietors calling for a meeting in Inverness, 3 Oct. 1885.

¹⁷¹ SCRO, Personal, P/24/7/10, Scrapbook, cutting from *Scotsman*, 15 Jan. 1885.

¹⁷² Report, 'Conference of Landowners at Inverness,' *Transactions of the Gaelic Society of Inverness*, 2 (1884-5), 136-7.

certainly understood that, if adopted, these resolutions were to obviate the necessity for legislation.¹⁷³ Black made it clear that he believed legislation would follow, however, whatever efforts landowners made to squirm out of it. He reported on a private talk he had with the Lord Advocate in Edinburgh,

He evidently sees that legislation must follow, and on this question of rents he seems disposed to adopt the principle of having them fixed by arbitration...It is possible that we may drift into a land court such as they have in the Irish Act. If I remember rightly in the memorandum which you submitted to the Sutherland crofters it was proposed to have rents fixed by arbitration.¹⁷⁴

Black was deeply concerned about the question of rents on behalf of his clients; many crofters were demanding an immediate reduction, but Black feared that if this was granted and a land court was later constituted which further lowered rents, his clients could be in financial trouble,

Supposing that I got the crofts valued and rents now fixed in this way [voluntary reduction], if legislation follows in a year or two, and the principle adopted in the Irish Act of a land court is established, we shall probably be in the position of having the rents now fixed by voluntary arbitration discarded. The crofter will appeal to the Land Court and the land court will, if they can, give him something and so we shall have even the fair rents now fixed, reduced.¹⁷⁵

The tone of this letter reflects the overall mood of the Sutherland estate management in 1885-86; they had tried offering the crofters concessions voluntarily

¹⁷³ SCRO, Chief Agent's Correspondence, K/1/8/20, Black to Kemball, 16 Jan. 1885.

¹⁷⁴ SCRO, Chief Agent's Correspondence, K/1/8/20, Black to Kemball, 16 Jan. 1885.

¹⁷⁵ SCRO, Chief Agent's Correspondence, K/1/8/20, Black to Kemball, 16 Jan. 1885.

and they had been rejected in the most public manner; the resolutions of the Inverness meeting were also regarded as too little too late by the crofters' movement. There was now a feeling of inevitability about coming legislation, something the factors began to welcome, in order to dispel uncertainty, 'I must not take any credit for giving good things to the crofters, and suspect I stand a much better chance of being immortalised for any opposition. I am very anxiously waiting for instructions as to what is really to be given to them and on what terms.'¹⁷⁶

There was also a clear change in the every day estate management in Sutherland from 1885-86. The factors and Kemball were already, in advance of any legislation, treating crofters' complaints and grievances very differently than they had even two years previously. In the wake of Stafford's electioneering campaign, when the crofters had seen their problems rectified on the orders of one of the most important members of the Sutherland family, expectations were high and the management found that it could no longer act with impunity. Kemball had to constantly remind McIver of this, especially on the question of emigration:

In Sutherland it would, I think, be better for the Duke to act independently on behalf of his tenants who should wish to quit the country; but he could hardly take the initiative in the matter...because the proposal if not coming from themselves would find little favour with grievance mongers and agitators.¹⁷⁷

All estate policy and actions now had to be carried out with reference to these 'grievance mongers,' as the public eye was firmly fixed upon them and acted almost as strictly as legislation.

The biggest concession granted to the crofters before the passage of the Crofters Act was a general rent reduction; a circular was sent around all the crofting townships informing them that their rents for 1885-6 were to be reduced by 50%.¹⁷⁸

¹⁷⁶ NLS, Acc. 10225, Factor's Correspondence, 358, Peacock to McIver, 11 Mar. 1885.

¹⁷⁷ NLS, Acc. 10225, Policy Papers, 195, Kemball to McIver, 27 Feb. 1884.

¹⁷⁸ NLS, Acc. 10225, Policy Papers, 146, Kemball to Box, 7 Dec. 1885.

The reasons given for this were poor agricultural markets and the low prices crofters had obtained for their stock. It matched an earlier remission given to the sheep farmers on the estate, who after much lobbying had also been granted a 50% reduction in their rents.¹⁷⁹ Kemball also had his eye on the positive effect on the estate's image the reduction could have and thought it might do something to heal the enmity between the crofters and the estate, 'I incline to think a deduction to the small tenants is desirable, not for its amount, but to show that the Duke feels for them as well as for the larger tenants.'¹⁸⁰ It may also have stemmed from the realisation that in some areas, crofters were refusing to pay their rents in protest, and by reducing them all round, this might encourage more payers.¹⁸¹ The abatement was extended to Cromartie, where the ground officer despaired of it doing any good, 'It is however difficult to comprehend what will please the section of them that expect to get the land free soon.'¹⁸² Deeply rooted attitudes among the factors had changed little, however; witness the outrage they expressed when the crofters did not display the properly thankful behaviour for this rent reduction,

I am sorry to say the spirit evinced by many of the Tenants in Assynt and the unthankful manner in which the abatement was received by not a few there was very striking, and to me it was distressing to witness the change which has come over the people of that parish. Their minds are diseased – in fact agitation and the recent canvass and election has quite demoralised them.¹⁸³

And it was not only in the poorer western parishes that such attitudes could be observed. Box in Tongue complained to McIver that, 'it is very disheartening, after the unselfish manner in which the deliberations connected with the rent abatements

¹⁷⁹ Sheep farmers elsewhere in the Highlands also lobbied for similar rent reductions. See Armadale Castle, Macdonald MSS, 4695, farm tenants to Alex. Macdonald, 18 Aug. 1885.

¹⁸⁰ NLS, Acc. 10225, Policy Papers, 215, Kemball to McIver, 6 Nov. 1885.

¹⁸¹ NLS, Acc. 10225, Policy Papers, 215 McIver to Kemball, 28 Dec. 1885, 6 Dec. 1884, 28 Dec. 1884.

¹⁸² NAS, GD 305, Estate Correspondence, 1886, Alex. Ross to Gunn, 2 Jan. 1885.

¹⁸³ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 28 Dec. 1885.

were conducted, to find so much dissatisfaction and grumbling.¹⁸⁴ The conflict between the expectations of the crofters and those of the factors would not come to an end with the 1886 Act.

¹⁸⁴ NLS, Acc. 10225, Factor's Correspondence, 1475, Box to McIver, 9 Mar. 1886. See also Policy Papers, 215, McIver to Stafford, 19 Dec. 1885. This theme of crofter 'ingratitude' was common elsewhere: see Richards and Clough, *Cromartie*, 300-301, 304.

Conclusion; 1886: The Crofters Act

The style and direction of the Sutherland estate management changed beyond recognition between 1882 and 1886. The main impetus for this change had not been direct crofter agitation, which was rare on the estate, but rather the new and hostile public interest in Highland estates. The press, the public through city-based Highland interest groups and finally the government had turned an unsympathetic eye onto Highland estates and the Sutherland estate had to struggle with an unhappy historical reputation. The staff had to face up to new and changing attitudes towards their management and the crofters. Indeed, some never fully accepted that crofters' rights had changed: Crawford and Peacock both retired within two years of the Napier Commission and McIver faced a hard struggle until his own retirement in 1895.

The new movement for land reform, crofters' political rights and the changing way the rights of property were being viewed produced a fractured response from the estate management. The three old factors could see no reason why the status quo should change; they were veterans of the Highland famine and clearances of the 1850s and in their opinion, by the 1880s, in spite of the recent economic downturn, the crofters had never had it so good. They felt that their new and aggressive demands were a disgraceful liberty taken against the generosity of the Duke. The upper management, including Kemball and Stafford, realised that these changes had to be made, but failed to convince the factors of this; indeed, this was probably an impossible task. The factors had between thirty and forty years of absolute control behind them: four years was a very short time for them to change fundamental preconceptions about the place of the crofters.

It says much about how much had changed by early 1886, that all parties on the Sutherland estate, from the factors to the crofters, were waiting for the passage of legislation.¹⁸⁵ When it came, the estate management were not as horror-struck as might have been expected; most just wished for some resolution to the conflict, and

¹⁸⁵ Cameron, *Land for the People*, 31; Richards and Clough, *Cromartie*, 307 and Cameron, 'Political Influence,' 31.

some confidently expected the legislation to be conservative enough for them to deal with, 'It is greatly to be wished that legislation on the crofter question may end in a law which will inform landlords and tenants what their rights are and then the wild unreasonable expectations now afloat in the minds of the crofters may vanish and give way to common sense, when landlords can deal more easily with them.'¹⁸⁶ In reality this is what occurred. Kemball saw little to fear in the Bill for the Sutherland estate in terms of rents and compensation for improvements; indeed, he was concerned that the Bill did nothing to extend the size of crofters' holdings, 'Fair rents and compensation for improvements are already institutions in Sutherland. There is no harm in their being obliged to check the abuse of proprietary rights.'¹⁸⁷ Kemball also stuck firmly to the concept of the township, as outlined in his 'Paper' and the Duke's Memo of the previous year.¹⁸⁸ Kemball was not to oversee the working of the Crofters Act in Sutherland, however, as he handed in his resignation just as it was being passed, to the distress of some of his colleagues who recognised his skilful hand in management and feared for the estate under someone less able. As McIver wrote when he heard the news, 'We are on the eve of economic changes, in relation to all the rights of landlord property, and these will demand much prudent consideration and caution on the part of Proprietors, and those acting for them. Therefore I feel that your resignation is at present no small misfortune over the estates of the Duke.'¹⁸⁹ How justified these fears were will be examined in the next chapter.

¹⁸⁶ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 10 Mar. 1886. See also McIver to George Taylor, 5 Mar. 1886: see also Cameron, *Land for the People*, 38.

¹⁸⁷ NLS, Acc. 10225, Policy Papers, 146, Kemball to Crawford, 26 May 1885.

¹⁸⁸ NLS, Acc. 10225, Policy Papers, 146, Kemball to Crawford, 26 May 1885.

¹⁸⁹ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 11 May 1886.

Chapter Three: 'Gladstone has much to answer for:' the Sutherland Estate, 1886-1896¹

Introduction

In June 1886, Sir Arnold Kemball announced his retirement from the Commissionership of the Sutherland estates. The staff received the news with a mixture of surprise and regret, although whether this was generated by admiration of his leadership through the early 1880s or a fear of the unknown future is difficult to identify. Kemball had frequently been in conflict with his factors, especially Evander McIver, who regarded him as being vacillating regarding the crofters after 1882.² The factors were undeniably apprehensive at his departure, however, and McIver wrote a surprisingly loyal letter,

You have encountered times of depression, agitation and clamour since you became Commissioner for His Grace...and it was often a wonder to me how bravely and patiently you acquitted yourself and how coolly you were able to sustain yourself in the midst of very perplexing difficulties. I hope you will always continue to give the Duke the benefit of your knowledge and experience gained on his Estates which in my opinion will be very valuable to himself and his tenants.³

The clashes between McIver and Kemball had revealed significant ideological differences over the changing position of the crofters and what the response of the estate should be after 1882. McIver steadfastly refused to recognise these huge changes or moderate his behaviour accordingly. He was not alone in the Sutherland

¹ National Library of Scotland [hereafter NLS], Acc. 10225, Factor's Correspondence, 1960, McIver to William Gunn, Cromartie factor, 28 May 1890.

² E. Richards and M. Clough, *Cromartie: Highland Life, 1650-1914* (Aberdeen, 1989), 305, 335.

³ NLS, Acc. 10225, Policy Papers, 216, McIver to Kemball, 12 Jun. 1886.

management; although Donald MacLean and John Box, the Dunrobin and Tongue factors, had a more moderate outlook, his old friends William Gunn, factor on the Cromartie estate, and the Coigach sub-factor Kenneth MacKenzie, fellow members of the old-guard, were in complete agreement with McIver.⁴

Kemball was replaced by R. M. Brereton, a thirty-eight year old engineer from Norfolk.⁵ It is unclear how he came to be chosen for the post, which was, until 1882 at least, one of the most coveted jobs in the British land market. Like Kemball, he was an extremely active and at times demanding Commissioner, who insisted on closely-balanced books, being fully informed and determined to keep a tight grip on the reins of the Sutherland estate.⁶ All this seemed like good policy: the vast size of the estate warranted tight control, as did the almost continual absence of the Duke from business in the north.

Brereton soon ran into problems with the rest of the estate management, however, stemming from his policies on crofters. Brereton believed that some degree of land reform and extension of holdings was inevitable and perhaps in some cases desirable, although this principle was tempered by a policy of 'firmness' towards crofters who broke the law or agitated for reform. These views were met with hostility by some of the factors, notably McIver and William Gunn in Cromartie, and quickly led to serious tension. The relationship between Commissioner and the factors had always been one of much potential friction; although the factors tended to look back with nostalgia on the reigns of Kemball and George Loch, there had undoubtedly been disagreements and resentment in those relationships.⁷ This was taken to new heights with Brereton, until it was no longer possible to maintain working relationships, especially with McIver. Brereton was high-handed in his treatment of some of the older factors, who were certainly not used to such treatment and, in his greatest sin, Brereton took the step of cutting them off from communicating with the ducal family at all: 'I have consulted His Grace fully upon

⁴ Richards and Clough, *Cromartie*, 330-334.

⁵ Richards and Clough, *Cromartie*, 336.

⁶ NLS, Acc. 10225, Policy Papers, 181, Brereton to Box, 15 Mar. 1887.

⁷ Richards and Clough, *Cromartie*, 334-335.

these questions and he is quite of my opinion in these matters.’⁸ In June 1888, the situation came to a head when McIver went so far as to threaten to resign over Brereton’s policies towards the riotous Clashmore crofters in Assynt.⁹ The demands of post-1886 Highland estate management required a flexible and harmonious staff, and this the Sutherland estate certainly did not have. Three days after McIver threatened to resign the Duke took action and Brereton officially announced his retirement to the factors.¹⁰ The ‘retirement’ was certainly forced and Brereton did not go graciously. Henry Wright, the Duke’s private secretary and one of Brereton’s chief enemies, wrote to McIver that,

It may be interesting for your own private information to know facts and dates. The Duke wrote to Mr B. about the 29th...intimating his intention to dispense with the services of a Commissioner. From Naver he wrote a very becoming letter and from Uppat on 2 June he wrote a resignation – in most extraordinary terms...Never in the course of my life have I met with a man so utterly incapable of truth. It must be a mental defect the errors are so palpable.¹¹

Brereton's leaving was certainly acrimonious for all concerned and he evidently refused to co-operate with a smooth transfer of power, showing open hostility to his former colleagues, especially McIver.

After Brereton’s departure, Lord Stafford advised the Duke to replace the Commissionership with a Committee, a reform he felt necessary in the changed times since the passage of the Crofters Act: ‘It is to be observed that times are changed and instead of the old system in Sutherland we require a more businesslike and routine system. This has come about chiefly on account of crofter legislation,

⁸ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 9 Apr. 1887; Richards and Clough, *Cromartie*, 334.

⁹ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 16 Jun. 1888.

¹⁰ NLS, Acc. 10225, Factor’s Correspondence, 1963, McIver to James Gordon, 7 Jun. 1888; Policy Papers, 200, Brereton to McIver, 19 Jun. 1888.

¹¹ NLS, Acc. 10225, Policy Papers, 200, Wright to McIver, 6 Jun. 1888.

which has interfered with the old relations between Landlord and tenant.’¹² Ironically, Lord Stafford and Brereton had agreed on this point; the estate management had to be modernised and that the passage of the Crofters Act represented a seismic shift in the Highlands. To replace the outdated post of Commissioner, Stafford suggested to his father,

Would you allow us to have a small finance committee, consisting of yourself, Peacock, Taylor, me and anybody else you like – there to be a guidance...No one man can do things in a great business as your Sutherland property so well as a chosen few so well selected and well organised minds...If you go on in the old system you are entirely dependent on the man who manages for you – if he fails there is general confusion.¹³

The Duke agreed to this new arrangement, but confusion still reigned among the factors as to whom they should consult on matters of policy and the experiment was short-lived.¹⁴ The Duke and Lord Stafford fell out irreconcilably in late 1889 over the Duke’s remarriage and the Committee was dissolved, much to the frustration of the factors.¹⁵

This was just one of many conflicts within the Sutherland estate management between 1886-96, years which can be identified as among the rockiest in its history; it underwent frequent and damaging personnel changes at a turbulent time in wider Highland politics and society. The 1886 Crofters Act had not, as expected, led to a complete peace in Sutherland; violent unrest continued, especially on the west coast, as the crofters protested that their demands for more land, rather than less rent, had not been met. The management also had to deal with the sittings of the Crofters Commission in the county, a huge organisational and administrative burden. Unfortunately for them, the arrival of the Commission did not signal the

¹² Staffordshire County Record Office [hereafter SCRO], P/24/3/2, note by Lord Stafford, undated.

¹³ SCRO, P/24/3/2, Stafford to Duke, 23 Jun. 1889.

¹⁴ NLS, Acc. 10225, Policy Papers, 217, McIver to Stafford, 31 Mar. 1890.

end of their toil; many of the Commission's decisions as to simple rent increases, land enlargements and the rents for those enlargements were, unusually in the Highlands, unpopular with the Sutherland crofters, who refused to abide by them.¹⁵ This was extremely disheartening for the staff, who had been depending on the Commission to quiet the crofters with their independent and often long-awaited decisions on cases in Sutherland. Two Commissions followed in the early 1890s, the West Highlands and Islands Commission, which did usefully unite the staff and upper management in their desire to see the development of the fishing industry, and a Royal Commission on the Highlands and Islands [hereafter the Deer Forest Commission], which required the estate to rally once more and organise a defence of its income from the hated deer forests. As well as this government activity in the Highlands, in 1894 the 4th Duke set up his own 'Crofters Purchase Scheme,' offering crofters good terms to buy their lots from him and become landowners in their own right. All these changes and challenges, as well as the fractured and tortuous state of the Sutherland management, meant that it was difficult time for the Sutherland factors. They felt constantly under attack from both government initiatives and the crofters and were not being effectively supported by a united or harmonious upper management.

This was compounded by turbulence in the ducal family itself. In September 1892, the 3rd Duke died suddenly at Trentham of a perforated ulcer in the stomach; he left behind him a mixed reputation.¹⁷ He was generally considered to have been a kind landlord to his crofter tenants, laying out large sums of money on roads, railways and the great reclamations. Even though these projects may have had little direct impact on his crofting tenants, capital investment in landed estates was always noted with approval by contemporaries. He did not escape criticism, however, especially in the choice of his advisors and factors, 'There is no doubt that had he been well-advised he would have been one of the best landlords in the

¹⁵ NLS, Acc. 10853, 34, Wright to MacLean, 18 Jan. 1890 and Acc. 10225, Policy Papers, 203, Wright to McIver, 15 Jan. 1890.

¹⁶ E. A. Cameron, *Land for the People? The British Government and the Scottish Highlands, c1880-1925* (East Linton, 1996), 49.

¹⁷ *Scottish Highlander*, 29 Sept. 1892.

Highlands.’¹⁸ This was damnation by faint praise, and even in death the 3rd Duke could not help but make trouble, in this case over his will. After his second marriage to his long-term mistress Mrs Mary Caroline Blair in 1888, he had changed his will no less than ten times, eventually leaving nearly all of his personal fortune of £1.2 million either directly in her hands or under her control for her lifetime with the added clause that, ‘her late husband merely wishing that she would prefer his heirs if they in her estimation treated her in a manner becoming to her position as the Duke’s widow and their step mother.’¹⁹ The legal case Lord Stafford, now the 4th Duke, pursued her with was only resolved in late 1894 in an out of court settlement, in which he received back the estates in return for paying the Dowager Duchess a huge cash sum, perhaps as much as £750,000.²⁰ He also agreed to give her an annuity of £4,000 and with these proceeds, she built Carbisdale Castle on the Ross-shire border, the 4th duke having successfully blocked her application to build in his own county. The case was a disaster for the estate: a large chunk of its capital had been lost in a painful court battle in the full glare of a gleeful and scandal-hungry public. Additionally, the estate management had been thrown into a general confusion between 1892-94, no rents being collected on the Sutherland estate for those years, in order to prevent them going to the Dowager.²¹

The estate finances were a major source of worry to the staff, and initially to the 4th Duke also, although he seems to have paid little attention to curbing his domestic expenditure, concentrating on estate expenses instead.²² The impact of the settlement with the Dowager Duchess was more lasting, however; when the 4th Duke took effective control of his estates in late 1893, he made it clear that an entirely new and stricter policy as to expenditure would have to be put in place.²³ The Duke was bent on saving money on the Sutherland estates, traditionally the

¹⁸ *Scottish Highlander*, 29 Sept. 1892.

¹⁹ D. Stuart, *Dear Duchess: Millicent Duchess of Sutherland, 1867-1955* (London, 1982), 44.

²⁰ Stuart, *Dear Duchess*, 45; E. Richards, ‘Gower, George Granville William Sutherland Leveson-,’ *Oxford Dictionary of National Biography* (Oxford University Press, 2004).

²¹ NLS, Acc. 10225, Policy Papers, 153, Wright to Box, 17 Nov. 1892.

²² NLS, Acc. 10225, Policy Papers, 207, Wright to McIver, 1 Jan. 1894 and 21 Oct. 1894.

²³ For other cases of weakening familial and financial discipline see D. Spring, ‘The role of the aristocracy in the nineteenth century,’ *Victorian Studies*, 4 (1960), 61-62.

area of the Sutherland fortune that was a losing concern, 'We cannot afford to do much planting next year. We must economise all round for a year or two...I am economising in England too – I hope in a year or two we will be alright again.'²⁴ The factors and his secretary Henry Wright were supportive of this policy and were also concerned about the fragile state of the Sutherland finances, 'I confess it makes me very anxious when I see the way he is expending money and I fear that in a few years he will find himself with a seriously reduced income...The household expenses are much greater than ever in the past and there is every appearance of them increasing rather than diminishing.'²⁵ The 4th Duke had trouble controlling his domestic expenditure, and by the early years of the next century he would be forced to make some major land sales to shore up the remaining Sutherland fortune.²⁶

The estate was not in dire straits yet, as MacLean made clear in a report on the Sutherland estates.²⁷ The report provides a snapshot of the financial health of the estate in the early 1890s and serves as a useful context for the later actions of the 4th Duke, particularly his Crofters Purchase Scheme. Perhaps surprisingly, MacLean's report was generally favourable, despite the upheavals that the estate had gone through in management and would face with the court case surrounding the 3rd Duke's will. Income from rents were noted as satisfactory, including those from shootings, farms, hotel and even crofters. MacLean was also positive about the salmon and mussel fishings and the income from woods and plantations on the estate, and assured the Duke that expenditure was economical and that the estate was ticking along efficiently. He was also at pains to reassure the Duke that, 'there is now very little of that excitement and agitation which a few years ago caused so much anxiety and trouble in the County...I believe with kind treatment and the close and personal interest which your Grace will take in them they will yet be found a

²⁴ NLS, Acc. 10225, Policy Papers, 106, Duke to MacLean, 8 Nov. 1897. See also 155, Wright to Box, 20 Oct. 1894 and 156, Wright to Box, 16 Feb. 1895 and 21 Feb. 1895

²⁵ NLS, Acc. 10225, Policy Papers, 207, Wright to McIver, 21 Oct. 1894 and 19 Dec. 1894 and Factor's Correspondence, 1964, McIver to Alex. Gunn, 17 Feb. 1893. See D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 93-95.

²⁶ McIver, *Memoirs*, 123. The 4th duke sold 100,000 acres in Tongue in 1899, the Stittenham estates in Yorkshire in 1912 and 50,000 acres of Assynt in 1913. See Chapter Four for further details.

²⁷ NLS, Acc. 10225, Policy Papers, 106, MacLean to Duke, 4 Oct. 1892.

loyal class of tenants.’²⁸ On a less positive note, MacLean highlighted the growing arrears of crofters’ rents, which stood at over £1500 in 1892.²⁹ Despite MacLean’s positive report, crofters’ arrears would rise inexorably and become an issue of major concern by the late 1890s. Crofters aside, this report shows that despite all of the difficulties the estate had faced from 1886 – financial, managerial and organisational – for the most part, it had maintained its financial equilibrium, propped up by sporting, hotel and farming rents.

Frequent and turbulent upheavals in the management of the estate undoubtedly had a major effect on how effective it was in carrying out its duties.³⁰ Policy decisions were delayed by absence, disagreement and division and this in one of the most challenging periods for Highland estates in the nineteenth century. The work of the Crofters Commission had far-reaching and long-term implications for Highland estates that the Sutherland estate management was simply ill equipped to deal with at the time. The new order in the Highlands required flexibility and unity on the part of estate managements, and these were two qualities the Sutherland estate, with all its conflicts and problems, did not possess. This background should go some way to explaining the actions of the estate in the decade, which were often notably inconsistent, as management turnovers meant a change in policy direction on a regular basis.

²⁸ NLS, Acc. 10225, Policy Papers, 106, MacLean to Duke, 4 Oct. 1892.

²⁹ NLS, Acc. 10225, Policy Papers, 106, MacLean to Duke, 4 Oct. 1892.

³⁰ Richards and Clough, *Cromartie*, 335-336.

'Take "the bull by the horns:"' the workings of the Crofters Act in Sutherland, 1886-96³¹

The Crofters Act of 1886 legislated for a land court, the Crofters Commission, to travel around the Highlands setting fair rents, cancelling arrears and considering enlargements of crofters' holdings. The Commission was the physical incarnation of government interference on Highland estates and the staff on the Sutherland estate regarded it with mixed feelings. On one side, the factors were keen for the Commission to come to their districts as soon as possible, to resolve the numerous grazing disputes and rent strikes that were damaging estate finances.³² They feared that as the crofters were holding their rents back until the Commission visited to fix a fair one, a heavy level of arrears would build up, only to be later cancelled by the Commissioners, 'It would be well if the Commission could be prevailed to visit Sutherland soon, because if there is any long delay after the applications are sent in we shall get no rents during that time, however long it may be.'³³ Initially, the estate management worked hard to develop the best possible tactics in dealing with the Commission; R. M. Brereton, the new Commissioner, kept his factors busy travelling around their districts, making reports on rents and giving them the power to reduce individual rents to eliminate as far as possible any unfairly high rents which might damage their image before the Commission.³⁴ The factors found little to worry them, aside from a few isolated cases,

³¹ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 28 Mar. 1887.

³² Cameron, *Land for the People*, 43; Cameron, E. A., 'The political influence of Highland landlords: A reassessment,' *Northern Scotland*, 14 (1994), 31.

³³ NLS, Acc. 10225, Factor's Correspondence, 1480, Box to Brereton, 12 Dec. 1887 and 1959, McIver to William Hosack, 13 Jan. 1890. Other Highland estates also lobbied for the Crofters Commission to resolve disputes. See Armadale Castle, Macdonald MSS, 4745, MacLeod of MacLeod to Lord Macdonald, 5 Oct. 1888, Alex. Macdonald to Lord Lothian, 12 Oct. 1888, Lord Lothian to Alex. Macdonald, 17 Oct. 1888 and Sheriff Brand to Alex. Macdonald, 27 Oct. 1888.

³⁴ NLS, Acc. 10225, Factor's Correspondence, 365, MacLean to Brereton, 10 Nov. 1886, and 1477, Box to Brereton, 23 Oct. 1886. The same task was undertaken by William Gunn on the Cromartie estate, but was more urgent, rents there being, 'from 30% to 50% higher' than in Sutherland: NAS, GD 305, Estate Correspondence, 1889, William Gunn to Brereton, 16 Nov. 1886; also 1890, Gunn to Brereton, 30 Jun. 1890.

When I came to Tongue I received instructions to use my own discretion in reducing any rents that I might consider at all high...None were done in Farr because the people there were not so clamorous and others were attended to first...Now, however, that I learn it is your wish to keep all possible out of the Land Court I think these cases I have enumerated should be dealt with; and that it will be much much better to do so freely, and before being threatened with an appeal to the Land Court.³⁵

It was the estate's intention not only to save face in front of the Commission, but to try and forestall it from doing much work in Sutherland at all.³⁶ Even the 3rd Duke took an interest and made it clear that the Commission should be dealt with as actively as possible; he wanted every individual case to be judged on its merits, and opposed if need be, to make it clear to the crofters that the estate was not going to just roll over,

Applications will be recklessly made by the Crofters in every direction, if the belief gained currency that the office of Commission was not to regulate rents impartially, but to reduce them whenever the silence of the Proprietor, in respect of his own rights, could be interpreted to justify a doubtful claim: in other words whenever the Crofter should rely on the main chance of getting something without risking anything.³⁷

After the Commission's first sittings in the Dunrobin district in 1886, the estate changed its approach, as it realised the Commission did not arbitrarily lower rents or automatically work in the crofters' favour. Indeed, MacLean was concerned for some of the crofters whose rents had been raised by the Commission, 'I am afraid

³⁵ NLS, Acc. 10225, Factor's Correspondence, 1477, Box to Brereton, 23 Oct. 1886.

³⁶ The same tactic was initially used by the Ulbster estate: see Ulbster Estate MSS, Thurso, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 10 Jan. 1887.

that some of the increases will tell hardly on widows and old woman tenants who perhaps do not get the full benefit of the pasture.'³⁸ This view was not shared by McIver, unsurprisingly, who advised his old friend William Gunn, factor on the Cromartie estate, that he considered, 'Mr McIntyre [one of the Crofter Commissioners] strongly in favour of the crofters and desirous to give much to them,' and that it was, 'of much importance to humour the Commission and assessors and not to appear too anxious or too keen – to restrain feeling – and to keep cool.'³⁹

The estate got off to a good start, as it was the first place the Commissioners visited after its appointment. It is unlikely that the estate influenced the Commission in this decision, despite the seemingly unlikely starting point.⁴⁰ In their first visit, the Commission dealt with cases in the Dunrobin management, in areas where there had been no agitation, or any significant rent strikes. There are several possible reasons why the Commission started their work in a quiet area of Sutherland. First, they may have been keen to show the crofters that agitation such as that seen in Assynt, Skye and Lewis, would not command their itinerary.⁴¹ Second, the Commission may have simply wished to start their work in a relatively straightforward area to lay out the basics of their working practise, before tackling more troublesome regions, where agitation formed an additional challenge. John Box, the Tongue factor, and Donald MacLean, the Dunrobin factor, had reconciled themselves sufficiently to the reality of post-1886 management in the Highlands to accept the logic of the Commission and to respect its work. After the first sittings of the Commission in Sutherland in late 1886, they came to realise the estate had little to fear: 'On the whole I think the rents fixed are fair and reasonable and lead me to think that we have nothing to fear from further applications in our district.'⁴²

³⁷ NLS, Acc. 10225, Policy Papers, 180, Brereton to Box, 10 Dec. 1886; a copy was sent to all the factors and Tait, the estate lawyer.

³⁸ NLS, Acc. 10225, Factor's Correspondence, 365, MacLean to Brereton, 31 Dec. 1886. See also 1477, Box to Brereton, 4 Nov. 1886.

³⁹ NLS, Acc. 10225, Factor's Correspondence, 1960, McIver to Gunn, 30 May 1890.

⁴⁰ Cameron, *Land for the People*, 42 and E. A. Cameron, 'Politics, Ideology and the Highland land issue, 1886-1920s,' *Scottish Historical Review*, 72 (1993), 65.

⁴¹ Cameron, *Land for the People?*, 41.

⁴² NLS, Acc. 10225, Factor's Correspondence, 365, MacLean to Brereton, 31 Dec. 1886. See also, 1477, Box to Brereton, 4 Nov. 1886. See also, Policy Papers, 152, Wright to Box, 24 July 1891 and

Brereton agreed and was happy to leave most of the difficult decisions over reduction of rents and extension of crofters holdings to the Commissioners as long as the factors remained active in protecting the interests of the estate,

I think it very desirable that you should bear in mind that no settlement which you may now make with the crofter will prevent him from going hereafter to the Commissioners to fix a fair rent, and for this reason I think the Estate management should be very careful to let the Government deal with the Crofters and Cottars as much as possible. What we should do in the interests of the Estate is to try and find out cases for the enlargement of rent by the Commissioners, and the sooner this can be done, and the appeals made to the Commissioners the better.⁴³

One of the advantages Brereton saw in encouraging the Commissioners to do their work in Sutherland, instead of resisting it, was that it could stop the continuing agitation, especially on the west coast, 'I am sure we shall not be able of ourselves to allay this miserable spirit of agitation amongst so large a crofting community as you have in Assynt. We had better therefore at once take "the bull by the horns," and appeal to the Commissioners to fix fair rents and to deal with the question of arrears.'⁴⁴ As MacLean pointed out to the estate's Edinburgh lawyer concerning Rogart parish and a possible visit of the Commissioners: 'The arrears are largest in that parish and there is I think more disaffection there than in any other; yet I believe the rents overall will be increased in it by the Commission.'⁴⁵ This curious paradox of the Commission being desired by the crofters before they would pay their rents again, combined with the likelihood of the Commission giving out

180, Brereton to Box, 2 Nov. 1886. The same conclusion was reached on the Cromartie estate: see Richards and Clough, *Cromartie*, 381.

⁴³ NLS, Acc. 10225, Policy Papers, 180, Brereton to John Box, 9 Nov. 1886. See also Policy Papers, 197, Brereton to McIver, 9 Nov. 1886.

⁴⁴ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 28 Mar. 1887.

⁴⁵ NLS, Acc. 10225, Factor's Correspondence, 382, MacLean to Jamieson, 2 Feb. 1891.

unpopular or disadvantageous decisions was recognised and accepted by the estate management, and they used it for the estate's benefit.

McIver did not share these views, privately at least. By 1886 he had already been in control of Scourie for forty years and he found it hard to come to terms with the great changes on the estate, regarding them as a personal betrayal by the crofters:

It is to me a very trying disgusting business, and the change in feeling, manner and conduct of the people...is to one long among them almost intolerable. Socialism is speeding fast all over the Kingdom among all classes and we may expect that changes will occur which we at present cannot avert or keep back. Gladstone has much to answer for.⁴⁶

As Brereton tried to explain to McIver, 'We must recognise the fact that "times have changed, old manners gone" and the Highland Chiefs are no longer as they were chiefs of the clan, in the olden sense.'⁴⁷ This quickly led to serious tensions, of which Brereton was evidently aware,

There are a number of old folks who may prefer to stick to the old order of things and management, but we have to deal more and more as years roll on with the younger community whose thought and education are very different, and with whom the management has more or less lost touch.⁴⁸

It is clear that Brereton recognised the problems of an old factorship in the west and the increasing chance of clashes as long as that management tried to impose its will over a younger generation of crofters.⁴⁹ For most of the management initial doubts

⁴⁶ NLS, Acc. 10225, Factors Correspondence, 1960, McIver to William Gunn, 28 May 1890. Factorial bitterness of this type was very common: see Richards and Clough, *Cromartie*, 298, 300-301 and also Cameron, *Land for the People*, 50.

⁴⁷ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 26 Feb. 1887.

⁴⁸ NLS, Acc. 10225, Policy Papers, 181, Brereton to Box, 26 Feb. 1886.

⁴⁹ Richards and Clough, *Cromartie*, 337-338.

about the Commission were soon dispelled, and along with many other Highland estates, the Sutherland estate lobbied hard in the first years of the Commission to get it to visit Sutherland as soon and as often as possible.

In December 1886, the Commission left Sutherland to deal with other areas of the Highlands, but it was not long before the estate was lobbying to have the Commission back as soon as possible, especially to the districts where agitation was continuing.⁵⁰ The Commission had visited Assynt in July 1888, but only sat for three days until the decision to postpone those sittings was made, at the crofters' own request through their M.P., Angus Sutherland, '[Lord Lothian, Secretary for Scotland] had a pressing representation from Mr Angus Sutherland M.P. to the effect that, owing to the absence from home of a great number of the crofters at this season, it would be desirable to adjourn the meetings of the Commission in Assynt.'⁵¹ The visit was accordingly postponed but the estate was unwilling to wait for the Commission for long. Even the Duke exerted his influence to hurry the Commission's return, 'I now take the liberty of writing to your Lordship to point out that the return of the Commissioners to Assynt before the term of Martinmas is most desirable to prevent much confusion and the continuance of that excitement which prevailed in the Stoer district of Assynt last winter.'⁵² As the work requested by the Duke would only have taken two weeks, the Commission was willing return to Assynt in 1888, but by December 1888, the Scottish Office and the Commission had decided that, 'there is nothing in the case of Scourie to call for an immediate visit,' and they did not return to Sutherland until 1890.⁵³ This decision seems to have been made with a view to the fact that a major bout of agitation in Assynt had been effectively resolved by mid-1888, and this made a visit less imperative when agitation was continuing in Lewis and Skye.⁵⁴ After their long-awaited visit to Scourie in 1890, the Commission did not return to Sutherland until 1893, when they

⁵⁰ Cameron, *Land for the People*, 45-46.

⁵¹ National Archives of Scotland [hereafter NAS], AF67/9, Under-secretary for Scotland to Brand, Chair of the Crofters Commission, 14 June 1888.

⁵² NAS, AF67/10, Duke of Sutherland to Lord Lothian, 3 Oct. 1888. See Cameron, *Land for the People*, 44.

⁵³ NAS, AF67/10, Brand to Lothian, 13 Nov. 1888 and AF67/10, Commission to Under-secretary, 26 Dec. 1888.

⁵⁴ See Chapter Five and Cameron, *Land for the People*, 56.

considered cases in the north of the county and then again in 1895 to finish its cases in the Dunrobin district and to consider some appeals. The activities of the Commission in Sutherland do not suggest any particular feeling of urgency on their part, except perhaps in the case of Assynt in the late 1880s. Sutherland was not a priority for the Commissioners, as agitation was isolated and rare and it was well understood that crofters were, on the whole, fairly rented by the estate and that their demands revolved around extensions of holdings.

Once the management realised the Commission was no direct threat, they applied on behalf of all the crofters on the estate to have their rents fixed and arrears examined, 'I found there was a strong feeling in the Scotch Office, and in Edinburgh and London generally that the best thing we could do is to appeal to the Commission to fix fair rents for the whole of the Crofter holdings throughout the estate – and thus anticipate similar action on the part of the Crofters.'⁵⁵ The Duke seems to have mellowed somewhat to the Crofters Commission. He was essentially conciliatory towards the crofters, especially when faced with sustained and determined agitation such as that in Stoer and seemed happy to co-operate with the Commission on the question of extension of crofters' grounds,

The Duke however feels that every effort should be made to meet the wants of the Crofters generally in such a way as to remove, if possible, all excuse for discontent and especially that we should carry the Commission with us...The Duke sincerely hopes that...will not only be considered liberal but that they will really have the effect of rendering great and permanent improvement in the condition of the crofters.⁵⁶

⁵⁵ NLS, Acc. 10225, Policy Papers, 181, Brereton to Box, 26 Feb. 1887. The Ulbster estate also did this: see Ulbster Estate MSS, Thurso, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 15 Jan. 1887. See also Cameron, *Land for the People*, 44.

⁵⁶ Acc. 10225, Policy Papers, 203, Wright to McIver, 29 May 1890. See also Policy Papers, 180, Brereton to Box, 10 Dec. 1886; 197, Brereton to McIver, 22 Jun. 1886; 201, Wright to McIver, 30 Nov. 1889, 6 Dec. 1889, 17 Dec. 1889, 24 Dec. 1889; Acc. 10225, Factor's Correspondence, 1960, McIver to William Gunn, 28 May 1890; Acc. 10853, 28, Brereton to MacLean, 22 Oct. 1886.

The Duke was consistently willing to grant concessions demanded by the crofters to avoid any scenes of great agitation, especially if the government in the form of marines and gunboats became involved. This aversion may have been due to the family's noted sensitivity towards their reputation as great clearance landlords and the associated strife of the early decades of the nineteenth century. The 3rd Duke wished to avoid such scenes in his own lifetime, and so in the teeth of factorial opposition, ordered that the crofters should as far as possible be granted their requests, and even went so far as to plead mercy at one crofters' court case in Dornoch concerning the deforcement of a Sheriff Officer.⁵⁷

Box and MacLean were in agreement, but McIver refused to back down, 'I think there are many objections to the Duke's appealing to the Commissioners to fix fair rents for the whole of his crofter holdings. My opinion is that the Duke desires the pecuniary benefit from the crofters.'⁵⁸ Again, the estate was damaged by division among the factors, and it was inevitably McIver who seemed to be dragging his heels as to changes in estate policy. He need not have worried, however, as the results of the work of the Crofters Commission show.

⁵⁷ *Scottish Highlander*, 2 Jun. 1887.

⁵⁸ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 1 Mar. 1887. McIver was frustrated by the lack of proprietorial resolution: see Richards and Clough, *Cromartie*, 302, 306-07.

Area	% rents reduced or increased	% arrears cancelled
Dunrobin Management	+12.37	23.46
Tongue Management	+0.25	30.85
Scourie Management	-5.08	32.88
Total for the Sutherland Estate	+2.5	29.06
Skibo Estate	-39.9	63.91

Table 1: Crofters Commission decisions in Sutherland, 1886-96

As this table shows, in two out of the three Sutherland managements, rents were actually increased overall by the Commission and the five per cent reduction made in Scourie reflects the poor quality of the crofts there, rather than the fact the crofters were highly rented. Large reductions were made in crofters' arrears, however, just as the factors had predicted. Arrears were high in Sutherland, partly due to some rent strikes, but more likely due to the depressed crofting economy of the 1880s.⁵⁹ As a comparison, the percentages of rent reductions and arrears cancelled on the Skibo estate, owned by A. C. Sutherland, have also been included. Skibo occupied a small pocket of Sutherland not owned by the Duke and the differences in the figures are striking. Sixty-six applications were adjudicated on at Skibo and rents and arrears were reduced far more than those on the Sutherland estate, clearly demonstrating the widely acknowledged fact that rents on the

⁵⁹ Cameron, *Land for the People*, 55.

Sutherland estates were unusually low compared to the majority of Highland estates.⁶⁰

But MacLean was right in his prediction that some of the crofters would be unhappy with the decisions the Commission had made.⁶¹ In the wake of the Commission's sittings, the factors received petitions from crofters asking for their rents to be reduced, putting the estate in a rather awkward position. For instance,

Two men, Donald MacKay and Hector Munro called upon the Duke today with letters from the Rev. J. MacGregor of introduction asking His Grace to reduce the rents fixed by the Crofters Commission. He has of course refused and they were told that the decisions of the Commission would not be interfered with and that it was evident from the result that they had been for years under rented. I also told them in answer to the Petition by the Duchess' desire, that she could not think of asking the Duke to do what was asked, that after living under the kindest landlord in the world, they must abide by the consequences of the authority to which they had appealed.⁶²

Although the estate refused to reduce individual rents that had been fixed by the Commission, they did periodically reduce crofters rents wholesale across the estate, sometimes by up to 25 per cent a year.⁶³

The other major role of the Commission was to grant enlargements to crofters holdings, and it was this issue which created the most conflict among the estate management, between the estate management and the crofters and between the crofters and the Commission. The crofters were keen to get additional land for their holdings to relieve chronic congestion; various townships had over the years sent in petitions for land to be taken from neighbouring sheep farms and given to them, but

⁶⁰ I. M. M. MacPhail, *The Crofters War* (Stornoway, 1989), 18, 176.

⁶¹ Cameron, *Land for the People*, 49-50.

⁶² NLS, Acc. 10225, Policy Papers, 152, Wright to Box, 4 Sept. 1891. See also *Scottish Highlander*, 17 Mar. 1887.

had always been refused. In the Commission, they saw a fair and independent body that would be able to help them, although the reality would turn out to be much more complex than either the estate or the crofters had bargained for.

The estate management regarded the enlargement powers of the Commission with mixed feelings. Brereton and the Duke accepted fairly early on that giving land to the crofters, especially those in Assynt, was the only way of halting the chronic discontent and agitation in that district, 'The authorities are wiging this matter [land extensions] upon my attention and it must be dealt with as soon as possible in order to avoid a chronic state of discontent among the people...If we do this the Crofters Commission could apportion Oldney and Recharm [sheep farms in Assynt] among the people, and so quiet the people, who will in no other way be quieted.'⁶⁴ Brereton had put these arguments into a privately printed pamphlet, laying out, 'what the present Duke has done, during the past twenty-five years, for the permanent improvement and well-being of the county and the inhabitants thereof.'⁶⁵ As well as listing the money the 3rd Duke had poured into the county through the Highland Railway Company, roads, the telegraph system and, of course, the ill-fated reclamations, Brereton argued that it was, 'a certain class of Land League agitators,' that had come between the Duke and the crofters, who had, 'destroy[ed] that confidence and good feeling which formerly prevailed, and without which true social happiness, the flow of capital, and prosperity cannot be continued.'⁶⁶ His solution to the crofters' woes was, perhaps surprisingly as early as 1887, land purchase: 'If, for example, the crofters of Assynt desired to purchase the fee simple of their crofts and common pasture, and could the Government assist them in this direction, *upon the lines of the Irish Land Purchase system*, the Duke would probably meet their wishes.'⁶⁷ The Duke became increasingly keen to avoid confrontations with his crofters over land, although he did try to distinguish between giving concessions to law-abiding crofters and those who agitated. He was

⁶³ NLS, Acc. 10225, Policy Papers, 181, Brereton to Box, 16 Oct. 1887.

⁶⁴ NLS, Acc. 10225, Policy Papers, 200, Brereton to McIver, 6 Jan. 1888.

⁶⁵ NLS, Acc. 10225, Crofters, Q/b, *A Word on the Duke of Sutherland's Estate Management*, Jun. 1887.

⁶⁶ NLS, Acc. 10225, Crofters, Q/b, *A Word*.

⁶⁷ NLS, Acc. 10225, Crofters, Q/b, *A Word*.

willing in principle to allow land to be taken from large farms for the benefit of the crofters provided they applied for it through the Commission and the Commission set the rent to be paid on it.⁶⁸ All the other factors were in general agreement with this principle, except, inevitably, McIver. His opposition to granting land to the crofters was partly based on his old ideas about their place in society and his outrage at the crofters' new found assertiveness, but was mainly due to his view that crofters who had been acting illegally should not be granted their demands or they would believe that agitation would always force the estate to do their bidding.⁶⁹ McIver abhorred this position, and warned that agitation would spread if other crofters saw success following on from the illegal activities of other townships. McIver simply refused to co-operate with Brereton in selecting potential townships which could benefit from extensions of land,

I regret that I cannot select any tenants in the Stoer district and recommend them as deserving law-abiding tenants among whom the farms proposed to be divided should be cut up and distributed. There is such a universal feeling of rebellion to order and authority abroad in that district that it is impossible for anyone...to sit them down as tenants deserving an unusual favour from their landlord.⁷⁰

This serious disagreement caused friction in the estate management over how they were to respond to crofters' applications for more land. After a number of extensions freely granted and agreed to by the estate in Assynt in 1890, there was a swift turnaround and the estate started to actively resist applications. The estate lawyer, G. G. Tait, became concerned about this inconsistency and the impression it might make upon the Commissioners, 'I notice that you are evidently to refuse all

⁶⁸ NLS, Acc. 10225, Policy Papers, 203, Wright to McIver, 29 May 1890, 13 Jun. 1890, 19 May 1890, 6 Jun. 1890, 20 Feb. 1890. This was in contrast to some other high profile Highland estates: see Armadale Castle, Macdonald MSS, 3181, Lord Macdonald to Alex. Macdonald, 25 May 1886. See also Richards and Clough, *Cromartie*, 305-06.

⁶⁹ Richards and Clough, *Cromartie*, 307.

⁷⁰ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 12 Apr. 1888.

extensions of holdings in your district. Is this really seriously meant and final? If so, it is certainly in marked contrast to what was done in Assynt and the Commissioners might ask some questions about it.’⁷¹

The greatest number of enlargements were made in the Scourie management between 1888 and 1889, in the teeth of McIver’s opposition. Enlargements were granted to the townships of Inverkirkaig and Strathan, Achmelvich, Clashtoll, Stoer, Clashmore, Culkein Achnacarnin, Clashnessie, Achnacarnin, Culkein Drumbeg, Drumbeg and Nedd, of nearly 6,500 acres in total.⁷² It was the intention of the Duke and Brereton that these enlargements would quieten down the agitation permanently.⁷³ As well as the grants already listed, in 1889, sixty crofters from Sangomore and Sangobeg, two of the poorest townships in Sutherland, were granted nearly 4,000 acres grazing and the crofters of Oldshorebeg received the whole of Sandwood farm, nearly 2,000 acres.⁷⁴ Perhaps most ironically and importantly of all, the crofters of Tarbat applied for, and were granted by the Commission, the Island of Handa as a grazing park, although it was part of a sheep farm already tenanted by none other than McIver, who was not happy about giving such a valuable part of his farm to the crofters, ‘With regard to Handa it was the cream of my farm...The farm without it will be a poor affair...It will reduce my profits from £50 to £60 at the least yearly.’⁷⁵ This was a major symbolic victory for the crofters and represented the breaking of McIver’s long rule over them. The Duke was aware of the significance of this decision, and encouraged McIver to give up the land, ‘Where in this case you have a farm, the Duke feels that special care is required, seeing that your personal interests are concerned that your actions are watched with much jealousy.’⁷⁶ McIver may have lost the best of his sheep farm, but the Duke felt he would be compensated by easier relations with the crofters, once they had seen him make a sacrifice for their interests, ‘I think your action in regard to Handa will probably tend more than any other step to smooth your way in

⁷¹ NLS, Acc. 10225, Lawyer’s Correspondence, Tait to McIver, 19 Feb. 1890.

⁷² NAS, AF67/14, Report by James Gordon on enlarged townships in Assynt.

⁷³ NLS, Acc. 10225, Policy Papers, 200, Brereton to McIver, 6 Jan. 1888.

⁷⁴ PP1890-91 LXIII, *Report of the Crofters Commission*, 31 Dec. 1888 - 31 Dec. 1889, and PP1896 LXVIII, *Report of the Crofters Commission*, 31 Dec. 1894 - 31 Dec. 1895.

⁷⁵ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 21 Jun. 1890.

future and I feel convinced that what you have all round will knock the feet from under the feet of southern agitators.’⁷⁷ Enlargements were granted in the other managements in the 1890s, once the Commission came back to Sutherland, although these tended to be less successful than the applications made by the Scourie crofters. For instance, the crofters of Laid applied for part of the huge Eriboll sheep farm in Tongue, but this farm was under lease and as the crofters refused to accept 1,000 acres offered elsewhere by the estate, their application was dismissed.

The granting of enlargements only signalled the beginning of the estate’s problems with the crofters in regard to their new lands. The first problem arose over the fencing of the enlargements; in most cases, the Commission had ordered that the landlord should provide the materials for the fences, and that the crofters should use their time and labour to build them before the date of entry. In many cases, the crofters refused to carry out this obligation and the fences had not been built, delaying indefinitely their date of entry onto the land. In some cases the crofters started pasturing their stock on the land regardless, to the fury of the tenant farmers whose land the animals inevitably strayed onto.⁷⁸ As McIver reported to Wright,

I found when collecting the Assynt rents that the crofters to whom the Commission had assigned land were as a rule dissatisfied and full of complaints. The land assigned to the Inverkirkaig and Strathan tenants has not been taken possession of and as yet they have declined to erect the fence as prescribed by the Commissioners...A number of the tenants of Achmelvich who asked for pasture and to which the Commissioners arranged what they had asked for now repudiate it and say they don’t want it and will never pay for it...I mention all this that the Duke may see

⁷⁶ NLS, Acc. 10225, Policy Papers, 203, Wright to McIver, 29 May 1890.

⁷⁷ NLS, Acc. 10225, Policy Papers, 203, Wright to McIver, 13 Jun. 1890 and E. McIver, *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander McIver of Scourie*, (ed.) Rev. Geo. Henderson, (Edinburgh, 1905), 217.

⁷⁸ Enforcing the decisions of the Crofters Commission was a widespread problem: see Cameron, *Land for the People*, 57-58.

how little these ungrateful troublesome people value his generosity and kindness – the more they get, the more discontented and troublesome they are.’⁷⁹

McIver was using the continued defiance of the crofters as ammunition in his battle to convince the Duke to halt concessions to them, but the issue of fencing was a serious practical problem, and the estate’s Edinburgh lawyer wrote to the Scottish Office on the subject. The estate was also concerned by the numbers of crofters who had applied for land, but then had pulled out of agreements and were now refusing to pay their share of the rent,

I enclose a petition from eight of the Achmelvich tenants who have just had additional ground allocated to them praying that the Proprietor resume possession of the ground of inability to stock [sic] and through misrepresentations on the part of neighbours when they applied for it...Of course it is not for the estate to interfere in the first instance between the Commissioners and the Crofters, yet it seems advisable and necessary at this point for the Proprietor to make a strong representation.⁸⁰

Such a representation was made in the form of a letter to the Scottish Office complaining that, ‘I really think, in the interests of the Duke of Sutherland and the other landed crofting proprietors in Scotland, that something should be done to obviate the possibility of the orders of the Crofters Commission being treated, as they have been in this case by the crofting population for whose benefit they were supposed to have been issued.’⁸¹ The Commission did return to Sutherland, and much to the satisfaction of the estate,

⁷⁹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 13 Dec. 1889. See also 154, Wright to Box, 30 Nov. 1893; Factor’s Correspondence, 1960, McIver to McIntyre, 3 May and 21 May 1890; 382, MacLean to Jamieson, 13 Jan. 1891; 384, MacLean to Duke, 14 Aug. 1891.

⁸⁰ NLS, Acc. 10225, Policy Papers, 217, McIver to Stafford, 1 Mar. 1889. See also 217, McIver to Wright, 13 Jun. 1890, 2 Sept. 1890, 21 Nov. 1890.

⁸¹ NAS, AF/67/14, Jamieson to Lord Lothian, 18 Feb. 1891 and minute by Mr Dunbar, 18 Feb. 1891.

No decisions were amended...The Commissioners are very much annoyed and incensed by the conduct of the parties who did not erect the fences as ordered, and they laid down strongest rules and fixed dates for the completion of these fences intimating that if they did not complete the work on these dates they would reconsider the former assignation of land and deprive them of the land altogether...I think this visit of the Commission will do good in Assynt, Sheriff Brand was very decided with the crofters.⁸²

The estate was bitter over what it saw as the ungrateful behaviour of the crofters, particularly those in Assynt, where the greater part of the agitation had been carried on. The estate felt betrayed after the sacrifices it had made, sometimes even personal sacrifices on the part of individual factors and rejected the plea that the crofters could not fulfil their part in the agreements as absurd. But for the crofters, the situation was not so clear cut. There were disagreements as to how the new grazing land was to be divided and maintained; often these disagreements had not been resolved before the land had been granted, resulting in a complete breakdown of earlier pacts. Many crofters also lacked the capital to stock their extended grazings and so derived no benefit from them, despite having to pay extra rent, and many complained that they had been tricked into signing up for the new land by their better-off neighbours.⁸³

The estate also had to deal with its large tenant sheep farmers, whose acres were being reduced for the benefit of the crofters. Most tenants did not complain about the Commission's decisions and negotiated a reduction in their rents from the estate easily enough.⁸⁴ This was not always the case, however, and it certainly was not when it came to Mr Dudgeon, the tenant of Crackaig sheep farm near Helmsdale in the Dunrobin management. In 1888, Dudgeon's lease was due to expire and forty-

⁸² NLS, Acc. 10225, 217, McIver to Wright, 17 Jul. 1891.

⁸³ NLS, Acc. 10225, Policy Papers, 217, McIver to Stafford, 1 Mar. 1889 and Crofters, G/a, Strath Halladale crofters to Box, 15 May 1886.

three Helmsdale crofters had applied for the land. MacLean regarded this positively, 'I do think it is desirable to extend the Helmsdale and Gartymore hill pasture, and the tenants last year were given to understand that land would be available for such extension at the expiration of Mr Dudgeon's lease.'⁸⁵ But, Dudgeon decided not to give up his lease after all, and the estate had to come to terms with him and the crofters together. At first Dudgeon accepted a reduction of £80 in his rent to compensate for the ground the crofters were to have, but soon made additional demands unacceptable to the estate, regarding improvements to his farm stading and offices, taking the opportunity to test how far the estate would go to conciliate him.⁸⁶ The estate was angry, but wary about losing its tenant, as it already had several sheep farms in hand across the county, 'I am afraid these [crofters'] applications will drive Mr Dudgeon away. He is very restless and annoyed about them, especially as there is no intimation from the Commission when they can be dealt with.'⁸⁷ That said, MacLean was still furious with Dudgeon's behaviour and the effect it was having on the crofters and the estate's relations with them, 'Unfortunately Mr Dudgeon won't keep counsel on these matters and tells everybody that he is leaving, and of course the crofters rejoice at the thought that they are driving him away.'⁸⁸ Eventually, MacLean decided to call Dudgeon's bluff and accepted his notice on Crackaig farm, at which step, Dudgeon backed down and agreed to, 'give no further trouble.'⁸⁹ The case of Crackaig farm eloquently illustrates the difficulties the estate faced in balancing its duties towards its large and small tenants, especially when both groups were unhappy with the policies of the estate management and through them, the Crofters Commission.⁹⁰

⁸⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to MacBrayne, tenant of Clashmore farm, 7 Dec. 1888.

⁸⁵ NLS, Acc. 10225, Factor's Correspondence, 371, MacLean to Duke, 29 Jun. 1888.

⁸⁶ NLS, Acc. 10225, Factor's Correspondence, 373, MacLean to Stafford, 15 Nov. 1888 and 374, MacLean to Stafford, 25 Feb. 1889.

⁸⁷ NLS, Acc. 10225, Factor's Correspondence, 374, MacLean to Stafford, 15 Feb. 1889.

⁸⁸ NLS, Acc. 10225, Factor's Correspondence, 374, MacLean to Stafford, 25 Feb. 1889.

⁸⁹ NLS, Acc. 10225, Factor's Correspondence, 374, MacLean to Stafford, 9 Mar. 1889 and 1 Mar. 1889.

⁹⁰ For the rest of the Crackaig case, including trespass by the crofters and two cases taken to the Court of Session, see: NLS, Acc. 10225, Factor's Correspondence, 376, MacLean to Tait, 3 Jul. 1889, 4 Jul. 1889, 25 Jul. 1889, 26 Jul. 1889: 377, MacLean to Duke, 11 Dec. 1889, 24 Dec. 1889: 378, MacLean to Wright, 29 Jan. 1890: 381, MacLean to Jamieson, 20 Oct. 1890 and MacLean to

The passage of the 1886 Crofters Act and its workings in Sutherland through the Crofters Commission was a huge challenge for the management, especially against a background of almost continuous conflict within the management itself. The factors were split on crucial issues such as enlargement of crofters' holdings, McIver having to be dragged kicking and screaming along a more conciliatory path. The sheer size of the estate also meant vast amounts of work for the factors in preparing the crofters' details for the Commission – nearly 2000 applications – and in constructing defences against selected applications for enlargement. Even after the Commission had visited the estate, the factors' problems were not over, as they had to deal with dissatisfaction in crofting communities and from their large tenants over the decisions of the Commission. The estate had little to worry about over the crofters' rents; it was the issue of land that the Sutherland crofters were most concerned about, and the Crofters Act did not go far enough, even with the co-operation of the estate, to meet those demands: the result was continuing agitation in Sutherland.

Tait, 18 Nov. 1890: 382, MacLean to Wright, 2 Mar. 1891 and MacLean to Jamieson, 24 Mar. 1891: 1490, Box to MacLean, 5 Mar. 1891: Acc. 10853, 35, Wright to MacLean, 4 Mar. 1891: *Scottish Highlander*, 19 Dec. 1889, 15 May 1890.

'Some real prospect of disturbance:' continuing agitation, 1886-1896⁹¹

Contrary to the hopes of the estate, crofter agitation continued after the passage of the Crofters Act and into the early 1890s, after which it effectively died out. Most of this agitation occurred in the Scourie district; there were also threats of action in the east, although it was rarely carried out. The township which undoubtedly saw the worst of the agitation was Clashmore, in the Stoer district of Scourie: other townships in the Stoer district were also combustible, whether this was due to patterns of local radical leadership, the example of Clashmore, or a strong sense of historical grievance and current poverty, will be assessed.⁹²

There was little doubt that the forum for discussion and debate among the crofters, including the possibility of agitation and land raids, were public meetings, mainly under the auspices of the Sutherlandshire Association. The factors tried as far as possible to find out what was said at these meetings, either by instructing a ground officer to attend or by carefully following the reports made in newspapers. As the Commissioner advised one of his factors, 'I think it desirable that you should endeavour to have two reliable parties to attend the meetings at Bettyhill on the 29th current, to take full notes of what MacLeod of Gartymore, and other mischievous agitators may say.'⁹³ Action was threatened by the Bettyhill crofters in late 1887 on the Reay Forest, on the Glencanisp deer forest by the Inverkirkraig crofters in early 1888 and on the Druinrurinie forest by the Knockan and Elphine tenants in February 1889.⁹⁴ None of these threatened raids were carried out, but they caused great alarm among the estate management. Even the threat of a raid could be damaging to the estate, as it could conceivably frighten off a shooting tenant; this was, perhaps, the crofters' intention.⁹⁵ There was also almost continuous agitation in the Assynt peninsula on a relatively small scale, but

⁹¹ NLS, Acc. 10225, Factor's Correspondence, 1481, Box to Brereton, 2 Feb. 1888.

⁹² See Chapter Five for more detail on Clashmore.

⁹³ NLS, Acc. 10225, Policy Papers, 181, Brereton to Box, 22 Dec. 1887. See also, 182, Brereton to Box, 21 Jan. 1888 and 198, Brereton to McIver, 24 Dec. 1887.

⁹⁴ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 24 Dec. 1887: 200, Brereton to McIver, 25 Jan. 1888: 201, Wright to McIver, 6 Feb. 1889.

⁹⁵ I. J. M. Robertson, 'The Historical Geography of Social Protest in Highland Scotland, 1914-c1939,' unpublished PhD thesis (University of Bristol, 1995), 58.

irritating to the management nonetheless; trespass by crofters and their stock on sheep farms, illegal peat cutting and pulling down of fences and dykes being among the most common offences.⁹⁶ There was much less agitation, threatened or otherwise, on the east coast, with the one exception of the Muie crofters and their raid on the Blairich farm in 1886.⁹⁷

The areas of most sustained crofter agitation were in the west and north, where the land was poor, the crofts were small and where most of the population were forced to rely on the fishings to maintain an income.⁹⁸ It is hardly surprising that the majority of the agitation was carried on in these districts; the Crofters Act had been ineffective in settling the vexed question of land hunger, and the decisions the Commission had made in favour of the crofters were often in dispute and allowed to remain so for long periods of time.⁹⁹ The poverty of the crofters was another main reason for their agitation, as they may have been moved to desperate measures to show the estate they meant business:

I regret to learn there is some real prospect of disturbance among these people [the Melness crofters]. It is certain that some of them are beginning to feel real want and this has emboldened them to threaten disturbance. I understand that they have had a meeting and memorialised the Home Secretary for "immediate assistance" and have stated that if this is not complied with, they will make a raid on the deer forests.¹⁰⁰

The crofters attributed their poverty to lack of land, something the Crofters Act had not resolved.

⁹⁶ See NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 16 Nov. 1889, 6 Dec. 1889, 9 Dec. 1889, 13 Dec. 1889 and see Robertson, 'Historical Geography,' 58.

⁹⁷ *Scottish Highlander*, 13 May 1886, 27 May 1886, 3 Jun. 1886, 10 Jun. 1886 and 15 Jul. 1886.

⁹⁸ McIver, *Memoirs*, 76.

⁹⁹ NLS, Acc. 10225, Crofters, G/a, petition from crofters of Strathy West to Box, 7 Dec. 1886: G/b, memorial from Farr crofters to Box, 24 Nov. 1893: M/a, petition from Melvich crofters to Box, 7 Feb. 1888.

¹⁰⁰ NLS, Acc. 10225, Factor's Correspondence, 1481, Box to Brereton, 2 Feb. 1888 and 9 Feb. 1888: 1483, Box to Stafford, 18 Dec. 1888.

Crofter townships that actively agitated also frequently claimed that they had rights to the land they were raiding; historical rights that stemmed from before the clearances and from promises made to them by estate staff that they would receive the land at some point in the future.¹⁰¹ The very act of granting land to the crofters was to some in the estate management an intolerable admission of wrongdoing and failure on their part; failure of the rhetoric and action of clearance that had been so forcefully put into reality in Sutherland in the early nineteenth century. This was combined with wider contemporary fears of socialism and communism, ideas which the factors feared had infected the Sutherland crofters, 'there are a number of young fellows about Bettyhill who go away for summer work in the States [U.S.A.] and return in winter bringing with them all sorts of democratic, even communistic views. I am a bit anxious about these fellows.'¹⁰²

The estate's reaction to this agitation was mixed. When crofters threatened or carried out land raids, the estate's immediate response was to install watchers on the farms, so that trespassers could be identified and interdicts served.¹⁰³ The estate also tried to set an example to all the crofters by refusing to give land grants to those who actively agitated, as,

It would never do that the crofters on the estate should be able to conclude that if they wished to get a certain piece of ground the way to do so was to become non-payers of rent – lawless, rebellious, take violent possession of what they coveted and in short accomplish their purpose by taking the law into their own hands.¹⁰⁴

¹⁰¹ NLS, Acc. 10225, Lawyer's Correspondence, 219, Tait to McIver, 6 Dec. 1889. See also C. W. J. W. Withers, "'Give us land and plenty of it:' the ideological basis to land and landscape in the Scottish Highlands,' *Landscape History*, 12 (1990), 46-47 and Robertson, 'Historical Geography,' 23-24.

¹⁰² NLS, Acc. 10225, Factor's Correspondence, 1484, letter Box to Wright, 13 Feb. 1889. See also 1963, letter McIver to Alex. Gunn, G.O., 19 Dec. 1887.

¹⁰³ NLS, Acc. 10225, Policy Papers, 201, Wright to McIver, 6 Feb. 1889 and 6 Feb. 1889.

¹⁰⁴ NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 8 Dec. 1887 and 11 Apr. 1888.

Despite this fear, some in the estate management were coming round to the idea that land grants would be the only way to stop the crofters agitating, even if it did mean an apparent sacrifice of authority on their part. In a pamphlet written in 1887, Brereton argued that it was, 'a certain class of Land League agitators,' that had come between the Duke and the crofters, who had, 'destroy[ed] that confidence and good feeling which formerly prevailed, and without which true social happiness, the flow of capital, and prosperity cannot be continued.'¹⁰⁵

The estate was anxious to be conciliatory, and tried to make this clear to the authorities as well as the crofters, claiming that, 'the estate has been all along bona fide in its intention to let the crofters have these desired lands and no difficulty has been put in the way of an amicable settlement.'¹⁰⁶ The estate, therefore, in its reaction to continuing agitation by the crofters, faced a perplexing problem; it was willing to grant land to the crofters through the Crofters Commission, but also wished to clamp down on agitation, by attempting to grant land only to those who were not involved in any illegal activities, and prosecuting those caught for trespass. In reality, the agitation was more irritating than damaging to the estate, but did serve to keep up the pressure on the staff and make them more responsive to meeting the crofters' demands.

¹⁰⁵ NLS, Acc. 10225, Crofters, Q/b, *A Word*.

¹⁰⁶ NLS, Acc. 10225, Factor's Correspondence, 1493, Box to Crofters Commission, 19 Mar. 1892.

The West Highlands and Islands Commission, 1890-91

This Commission was established to examine what role the government could have in developing industries in the Highlands, principally fishing, that were not directly related to the land.¹⁰⁷ This conservative ethos was predicated on the basis that the crofters had benefited from land reform through the 1886 Crofters Act, but evidently not all of the crofters' problems had been resolved, principally the issues of employment and poverty. The Conservative government was willing to invest money into developing the economic infrastructure of the Highlands to provide employment for the crofters, thereby removing the focus from land reform.¹⁰⁸ This policy was keenly encouraged by landowners, and the Duke of Sutherland and his wife, Anne Hay MacKenzie, were no exceptions. They added their signatures to a landlord memorial sent to Lord Lothian in 1888, which urged the government to help develop the fishing industry and develop a scheme of emigration for Highlanders.¹⁰⁹ The Sutherland factors were also very supportive of these principles and were soon active in gathering information, signatures and estimates for the visit of the Commission. By far the biggest campaign in Sutherland was for a railway extension to be made to Lochinver, to provide quick access to southern markets for catches from the Lews fishing in the Minch. McIver and James Gordon, as factors for the area, put a lot of work into preparing a case for the railway for the Commission, McIver seeing it as of long-term benefit, and not just for the crofters, 'If the Duke wishes to add to the value of Assynt and its future prosperity he has a golden opportunity of doing so by encouraging the government to carry out the recommendation of the Expert commissioners.'¹¹⁰ Their effort paid off, as they were successful in making Lochinver a serious contender for the new railway extension. But, despite the support of most of the crofting population of the west of

¹⁰⁷ MacPhail, *Crofters War*, 216-218.

¹⁰⁸ E. A. Cameron, 'Politics, Ideology and the Highland Land Issue, 1886-1920s,' *Scottish Historical Review*, 72 (1993), 66.

¹⁰⁹ SCRO, V/10/115: copy of Memorial to Lord Lothian, 1888; this can also be found in NAS, Lothian Muniments, GD 40/16/25; Cameron, 'Political Influence,' 32.

¹¹⁰ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 6 Apr. 1892 and 8 Dec. 1892 and Factor's Correspondence, 1486, Box to Wright, 21 Jan. 1890 and 19 Apr. 1890: 1488, Box to

Sutherland, the Committee decided against the Lochinver site, due to the prohibitive costs involved in building, which were estimated to be up to nearly half a million pounds.¹¹¹

Although the Commission focussed mainly on communications in the Highlands, the estate, along with other landowners were also deeply interested in schemes of emigration; they believed the fundamental problem with the Highlands was that it was crowded with poor crofters who could be off making a better life for themselves elsewhere, and for those they left behind. As McIver put it to Brereton,

It is good to encourage emigration and parties who go and do well encourage others. The congested districts in the Highlands and Islands will never have a thriving comfortable population till there is extensive emigration and the Government should be prepared to step forward and be willing to pay a proportion of the cost – do what is proper to benefit the people, there cannot be prosperity when the land is over-peopled beyond its production.¹¹²

The estate was made aware of three major emigration schemes in the late 1880s and early 1890s. The first was a scheme for the colonisation of north-west Canadian lands by Highlanders run by Mr John Lister Kaye, offering farms of 160 acres, if the crofters could pay £100 up front and pay another £500 off as a loan. The factors recognised the difficulty of the £100, but encouraged Kaye to bombard crofters with advertising anyway, ‘Sir John Lister Kaye’s proposals are favourable for any healthy industrious crofters desiring to better himself [sic] on the Canadian plains. The £100 will be the stumbling block. What seems advisable...would be a local

MacKay, Hereford, 29 Aug. 1890: 1489, Box to Duke, 30 Sept. 1890: 1960, McIver to West Highlands Commission, 29 May 1890, McIver to William Gunn, 30 May 1890 and 5 Jun. 1891.

¹¹¹ NAS, AF67/217, *Report of a Special Committee appointed to inquire into certain schemes for the Improvement of Railway Communication on the Western coast of Scotland*, 1892. See also, AF67/230, Memorial from the Sutherland Association to Lothian, 4 Nov. 1891.

¹¹² NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 22 Jan. 1887. McIver had, with the estate’s blessing and money, helped many crofters emigrate in the 1850s. See T. M. Devine, *The*

agent for each parish...in the way of bringing the scheme most publicly forward.¹¹³ The distribution of publicity among the crofters by the estate on about possible destinations was not confined to Canada, however, but also covered Australia, specifically Queensland. The Caledonian Association of Townsville in Queensland wrote a 'Notice to Crofters,' offering free passages to settlers.¹¹⁴ In the 1880s the Duke, along with his business advisor and friend Sir William Mackinnon, had been involved in railway schemes in Queensland, and in land purchase in Eucla, western Australia; whether this colonisation scheme was in some way linked to those other enterprises is unclear, but it remains a possibility.¹¹⁵ Alongside these private initiatives was some government interest in setting up a colonisation scheme, directed mainly at the Lews, and although the estate factors did their best to spread information and encouragement, it seems that little came of it in Sutherland.¹¹⁶

The Highlands and Islands Commission and the emigration schemes of the early 1890s effectively opened up the crofter debate to take into account other options aside from land reform. The estate factors vigorously campaigned for government money to be spent on the infrastructure of Sutherland, including railways, steamer services, lighthouses and emigration.¹¹⁷ These efforts did not come to much, however, as the government saw Lewis and Shetland as better candidates for the development of the fishing industry and a railway in Assynt was deemed too costly to be built without great loss.¹¹⁸ It was not until the establishment of the Congested Districts Board that any of these projects would come under consideration again.

Great Highland Famine: hunger, emigration and the Scottish Highlands in the nineteenth century (Edinburgh, 1988), 277 and McIver, *Memoirs*, 62-63, 213.

¹¹³ NLS, Acc. 10225, Factor's Correspondence, 1973, Gordon to McIver, 23 Jun. 1890. See NLS, Acc. 10225, Crofters, Acc. 10853, ZD/a, Lister Kaye to Box, 11 Jun. 1890.

¹¹⁴ NLS, Acc. 10225, Crofters, Acc. 10853, ZD/a, poster and pamphlets from Caledonian Association of Townsville, Queensland, no date.

¹¹⁵ J. Forbes Munro, *Maritime Enterprise and Empire: Sir William Mackinnon and his Business network, 1823-1893* (Suffolk, 2003), 287-290.

¹¹⁶ NLS, Acc. 10225, Policy Papers, 182, Brereton to Box, 11 May 1888 and Crofters ZD/a, Acc. 10853, Circular from the Emigration Information Office, 1887.

¹¹⁷ Hunter, *Crofting Community*, 178.

¹¹⁸ A. M. Tindley, 'Orkney and Shetland: Land Reform, Government Policy and Politics, c1870-1914,' Unpublished MSc thesis, University of Edinburgh (2002), 62, 66-71.

The Crofters Purchase Scheme, 1894

It was desired to create a class of Crofter proprietors, and that one of the essential features of the scheme should be the prevention of the sub-division of crofts and consequent overcrowding in each township. The reason seemed obvious, because if freedom of bequest and alienation were permitted that would lead to overcrowding, the cry for more land, and the extension of the crofter class.¹¹⁹

One of the first policy acts of the 4th Duke once his father's will had been settled with the Dowager Duchess, was to set up a scheme to allow crofters to purchase their existing holdings from the estate on generous terms. Like his father ten years earlier with his land extension scheme under the 'Duke's Memo,' the new Duke wished to initiate a scheme to benefit the crofters, and had the financial resources to attempt it.¹²⁰ The terms of the 4th Duke's Scheme were posted across the Dunrobin management, which was selected as a trial area, and advertised that crofters could buy their lots, including their section of the common grazings, at a value based on the Fair Rents fixed by the Crofters Commission, and pay back the amount to the estate in monthly instalments over thirty years. There were fairly strict rules for the occupier to reside by, for instance, at no point could he subdivide his holding, he had to build a dwelling house that was, 'free from overcrowding,' and he had to use the croft for agriculture only. Game was also reserved for the Proprietor, meaning the Duke, rather than the crofter.¹²¹ The Duke was ahead of his time in putting this Scheme into action, although Highland landowners were generally receptive to the principle of land purchase by crofters, or by the State on the crofters' behalf. They preferred land being taken off their hands completely for a fair price, rather than

¹¹⁹ NLS, Acc. 10225, Crofters, ZQ/i, Messrs Macpherson and MacKay to Macaulay, 24 Sept. 1894.

¹²⁰ Other landowners shared the same vision, but lacked the resources to attempt it unaided by government. See *Deer Forest Commission Evidence*, Cameron of Lochiel, 1273 and MacLeod of MacLeod, 131, 133. See also, Cameron, 'Political Influence,' 34-35.

have the responsibility of the crofters and government interference on their estates.¹²² As MacLean made clear on behalf of the Duke, 'He prefers to dispose absolutely of his whole interest in the croft and so be rid of all future responsibility in connection with it.'¹²³

The planning stages of the Scheme took a long time to complete, from 1893 to 1895, due to the myriad of legal difficulties it dragged up, including problems over entail, title and taxes.¹²⁴ There was a flurry of correspondence between MacLean, on behalf of the Duke, Macaulay, the local solicitor for the estate, Messrs Macpherson and MacKay, the estate's Edinburgh lawyers and the Lord Advocate, who agreed to give legal advice on the Scheme. All the possibilities had to be thrashed out: to disentail was relatively straightforward, but the estate's policies on crofter purchasers who defaulted on their repayments was a thorny issue. It was eventually resolved when the Duke agreed to allow defaulting payers to revert back to their crofting status; an important point for potential buyers, who might see a purchase as too risky otherwise.¹²⁵

The links between the Scheme and land purchase legislation in Ireland were very clear, and government action in Ireland certainly influenced the content of the Scheme in Sutherland. In 1894, MacLean was granted an interview, on behalf of the Duke, with Mr Frederick Wrench of the Irish Land Commission to go into the workings of the Irish Purchase Acts with him to see what could be applied from those Acts to the Scheme in Sutherland.¹²⁶ MacLean was in contact with Wrench again two years later to ask his advice on various problems that had sprung up once the Scheme had been put into operation. These clear links, both in the thinking behind the Scheme and its actual workings, show the willingness of the estate, later followed by other Highland proprietors, to turn to land purchase as a way to deal with their crofter tenants. George Malcolm, secretary of the Highland Property

¹²¹ NLS, Acc. 10225, Crofters, J/b, Crofters Purchase Scheme: General terms, Apr. 1895.

¹²² Cameron, *Land for the People*, 83.

¹²³ NLS, Acc. 10225, Factor's Correspondence, 396, letter MacLean to Messrs Macpherson and MacKay, 19 Sept. 1894.

¹²⁴ NLS, Acc. 10225, Crofters, ZC/a, letters Messrs Macpherson and MacKay to MacLean, 19 Oct. 1894 and 29 Oct. 1894, letter Macaulay to MacLean, 30 Oct. 1894, letter Taylor to MacLean, 8 Feb. 1894.

¹²⁵ NLS, Acc. 10225, Crofters, ZC/a, letter Macaulay to MacLean, 30 Oct. 1894.

Association, made this clear when he wrote to the Sutherland estate requesting details on the Scheme, 'Land purchase would be the best escape for many Highland proprietors from the worries and losses of the Crofting tenancies, but now that that crofters are in possession of fixity of tenure, their leaders are preaching down purchase of their holdings.'¹²⁷ The Sutherland estate would certainly come to realise the power of this opposition in 1896.

The three estate factors were consulted on this major project, and all had reservations about its potential success for the estate. McIver, although agreeing that it would be good for the estate to adopt the Scheme in principle, regarded the practical difficulties in launching it, especially with reference to his poverty-stricken management of Scourie, as almost insurmountable. His concern was that no crofter would purchase his holding for the simple reason that they were nearly all too small to support a family,

The size of the lots or crofts is generally smaller in size than in the Dunrobin management – and there are very few lots which will produce what supports a family without resort to outside labour or fishing – my belief is that the number of crofters who would apply for the purchase of their lots in this management will be small.¹²⁸

Box, in the Tongue management, agreed with McIver that there were not enough well-to-do crofters in his district in a position to come forward to purchase. He also feared potential friction over common grazings and the fencing which would be necessary and predicted that whole townships would have to purchase together, 'It would seem almost essential that all the tenants in a township and common grazing should come forward and purchase...this is far from likely; these people will combine for nothing else than politics - they distrust each other too much.'¹²⁹ This

¹²⁶ NLS, Acc. 10225, Crofters, ZC/b, MacLean to Frederick Wrench Esq., 3 Oct. 1896.

¹²⁷ NLS, Acc. 10225, Crofters, ZC/b, Malcolm to MacLean, 21 Sept. 1894.

¹²⁸ NLS, Acc. 10225, Crofters, ZC/a, McIver to MacLean, 20 Oct. 1894.

¹²⁹ NLS, Acc. 10225, Factor's Correspondence, 1495, Box to Duke, 7 Sept. 1892.

was not Box's main concern, however; he felt that the 1886 Crofters Act had given the crofters all the protection they needed and they would recognise that purchase would give them little, or even damage their prospects, especially if more favourable legislation was on the horizon,

The greatest barrier to the successful carrying out of the proposal appears to me to lie in the direction of future legislation. The crofters have, during the last few years, found themselves raised to a position of important political power; they have been petted by the leading members in both Tory and Liberal governments; they have had several Royal Commissions of enquiry into their condition and wants; and they have had special legislation in their favour. In fact they have been treated in a manner that no other class of the community has ever experienced. They have elected their own members for nearly every constituency in the Highlands...The crofters are not slow to realise that future legislation will be in their favour; they expect great things from the present Government [the newly-elected Liberal government], greater freedom and benefits in every way – enlarged holdings, lower rents, farms broken up and forests populated, with Government aid for all outlays...I am strongly of the opinion that the power to purchase their holdings would not be responded to by the crofters; who would still look with suspicion on any proposal that emanated from the estate management; and who are certainly living in the hope of much better times in the future, on much better terms than that of purchase.¹³⁰

This assessment of the Purchase Scheme by Box not only gives a fair and accurate warning to the Duke of the likely success of his Scheme, but also demonstrates how far the estate was estranged from its own crofting population. The management saw

¹³⁰ NLS, Acc. 10225, Factor's Correspondence, 1495, Box to Duke, 7 Sept. 1892.

its interests and those of the crofters as literally poles apart, and felt threatened by both the crofters and the government.

MacLean shared the fears of McIver and Box, and worried that the crofters were simply too poor to be interested in purchase for their own benefit, 'Now, from the social aspect, apart from the estate interests, it is questionable whether the condition of these people would be improved by becoming owners of their crofts.'¹³¹ Like McIver, MacLean saw that most of the crofts, even in his relatively prosperous Dunrobin management, were too small to support a family. Of course, the estate management could hardly complain about this, as it was their policies that had created tiny crofts to begin with. He also feared that in bad seasons, the purchasing crofters would be disadvantaged, as they would receive no reduction in their annuity and could easily fall into arrears, with dire results for the Scheme and the purchasers. MacLean's biggest practical worry, however, concerned how the crofters' common grazings would be regulated under purchase, as, 'there is more trouble between the tenants and more quarrelling between themselves on regard to pasture rights than on any other question and this has been intensified since the passing of the Crofters Act.'¹³² MacLean suggested that the Crofters Commission be called in to deal with the question of pasture, but doubted whether it had the legal powers to do so. Despite these clear warnings from his factors, and their concern that the poorer the holdings, the less desirable purchase would seem to the crofters, the Duke was still keen to get the ball rolling, 'I am very anxious about the subject of the Crofters Purchase Scheme. It is a very difficult matter but I hope we may be able to work up a scheme. This crofter property especially on the west coast is most undesirable and I attach a very great importance to turning these people into proprietors even at a considerable sacrifice in a pecuniary point of view.'¹³³

By July 1894, the Duke had his way and MacLean informed the crofters of the Dunrobin district what the Duke was proposing.¹³⁴ Public opinion as to the Scheme

¹³¹ NLS, Acc. 10225, Crofters, I/b, MacLean to George Taylor, 24 Mar. 1894.

¹³² NLS, Acc. 10225, Crofters, I/b, MacLean to Taylor, 24 Mar. 1894.

¹³³ NLS, Acc. 10225, Policy Papers, 106, Duke to MacLean, 18 Mar. 1894.

¹³⁴ NLS, Acc. 10225, Factor's Correspondence, 400, MacLean to Duke, 4 Jul. 1894 and Crofters, ZC/a, printed notice, 12 Sept. 1894.

was generally positive, and once again, the Duke was seen as a trailblazer for crofter rights, righting the wrongs of his ancestors,

It [the Scheme] is certainly a step in the right direction as bold as it is undeniably liberal...It looks to me as if the present Duke has resolved to wipe out, so far as that is now possible, the disgrace which attaches to his family name...And by his new Crofters Purchase Scheme he will now force the hands of other Highland landlords, and at the same time probably lay the foundation of a system of peasant proprietary.¹³⁵

That prediction was overconfident but the publicity did result in interest and offers of purchase from some surprising sources. The Scheme was much enquired after by D. Kemp, author of *Sutherland Democracy*, Advocate and Liberal supporter, heavily involved in the Edinburgh Sutherland Association, who asked for the terms of the Scheme so they could be discussed at meetings and a lecture could be given.¹³⁶ Kemp was considering standing as a candidate for the County of Sutherland, and his support for the Scheme contrasted with Angus Sutherland's opposition.¹³⁷ Kemp gave an address to the Leith Liberal Club on the subject, predicting it would be a great success.¹³⁸ Another correspondent was Sir Kenneth Mackenzie, who had taken an interest in the estate and been an advisor since 1883. He saw that the Scheme could set an important precedent, 'of course you understand that if the action of the Sutherland estate management is to be such as one gathers from the papers, it is likely to affect the relations of landlords and crofters everywhere.'¹³⁹ But, his comments were not exclusively positive. Mackenzie thought the Scheme would not be a paying concern, 'considering the high price of other investments today,' and saw a potential difficulty in that the

¹³⁵ *Scottish Highlander*, 18 Oct. 1894, editorial.

¹³⁶ NLS, Acc. 10225, Crofters, ZC/a, Kemp to MacLean, 20 Oct. 1894.

¹³⁷ NLS, Acc. 10225, Crofters, ZC/a, Kemp to MacLean, 2 Nov. 1894.

¹³⁸ NLS, Acc. 10225, Crofters, ZC/b, copy of 'The New Land Movement in Sutherland,' by D. Kemp, 20 Oct. 1894.

¹³⁹ NLS, Acc. 10225, Crofters, ZC/b, MacKenzie to MacLean, 20 Sept. 1894.

Duke had reserved the sporting rights on the land to himself, which, 'may to some extent prevent the new landowner from deserting altogether the agitator's camp. At least I should be afraid of it.'¹⁴⁰ The Scheme also attracted the attention of the Deer Forest Commission, which was still collecting evidence in 1894 and requested the details for its own consideration.¹⁴¹

Offers of purchase came in from external sources, as well as from the Sutherland crofters themselves. One came from Out Skerries, Shetland, from George MacKenzie, a native of Sutherland who wished to help some old neighbours and to have a croft for himself. As he put it to MacLean, 'Of course if the crofters themselves wished to buy their holdings, I would be sorry to step in and take them from them. I however hardly think any of those I mentioned are in a position to buy. I believe three-fourths of the crofts that are likely to be bought will be bought by people like myself who are natives of the county and wish to keep up their connection with the place.'¹⁴² MacKenzie wished to buy seven crofts as a block and made detailed enquiries as to their sporting potential, making it clear that he wanted the land for leisure rather than agriculture, 'You might let me know if angling on Loch Brora for trout would be granted in the event of us coming to terms about the crofts.'¹⁴³ He was not the only external purchaser; John MacKay, Hereford, the noted crofter champion, bought four crofts for the tenants in his native parish of Rogart as a gift.¹⁴⁴ But this early interest was not an accurate indication of the numbers of crofters likely to respond positively to the Scheme; by December 1895, only seven individual crofters had come forward, and the fears of the estate factors had been realised.¹⁴⁵ A further five purchase offers were made in 1896, bringing the total to twelve.¹⁴⁶ This poor response to the Scheme was not the estate's only worry, however. A further problem came up, which served to put off other potential crofter purchasers: the issue of valuation and tax assessment. On the crofts where an

¹⁴⁰ NLS, Acc. 10225, Crofters, ZC/b, MacKenzie to MacLean, 10 Oct. 1894.

¹⁴¹ NLS, Acc. 10225, Crofters, ZC/b, Henry Munro (Deer Forest Commissioner) to MacLean, 17 Sept. 1894.

¹⁴² NLS, Acc. 10225, Crofters, ZC/b, George MacKenzie, Out Skerries to MacLean, 6 Aug. 1895.

¹⁴³ NLS, Acc. 10225, Crofters, ZC/b, George MacKenzie, Out Skerries to MacLean, 6 Aug. 1895.

¹⁴⁴ NLS, Acc. 10225, Factor's Correspondence, 396, MacLean to Duke, 22 Sept. 1894 and 400, MacLean to Duke, 20 Jul. 1895.

¹⁴⁵ NLS, Acc. 10225, Factor's Correspondence, 401, MacLean to Macaulay, 20 Dec. 1895.

agreement of sale had been made, the County Assessor, to the surprise and fury of the estate, raised the value of the crofts from the annual value based on the fair rents the Crofters Commission had set, which were of course very low, to a much higher amount, often two to three times above the Commission's figure.¹⁴⁷ This would mean that the purchasing crofters' share of the tax burden would be up to three times greater than that of their neighbours who remained crofters under the 1886 Act. MacLean records the Duke's reaction, 'The Duke is much annoyed that these valuations for the purposes of taxation should be so much increased, as he feels, and it is certain, that the purchase scheme will be much affected thereby.'¹⁴⁸ The crofters, through the Duke who paid the expenses, took the case first to the Valuation Committee of Sutherland County Council and then to Edinburgh, but both appeals were unsuccessful and the Duke and estate had to admit defeat over the Scheme.¹⁴⁹

Although the purchases fell through on a technicality, it could be argued that even if this problem had not sprung up, the Scheme would still have failed. Only twelve crofters applied to purchase their holdings over the two years the Scheme was in operation, the very outcome the factors had predicted. As it happened, these purchases failed on the issue of local taxation and this difficulty, predicated on the fundamental truth that crofters were better off as protected tenants under the Crofters Act than as proprietors, would haunt future attempts at land purchase by the government through the Congested Districts Act.¹⁵⁰ The effect of the failure of the Scheme on the 4th Duke was also significant, as he initiated no other schemes or projects for the crofters; he was certainly willing to co-operate with government legislation in the future, but the Crofters Purchase Scheme was the last project to have been initiated by the estate itself. It was the last in a long line of similar schemes, from the great clearances of the early nineteenth century, to the famine relief operation and assisted emigration of the 1840s and 1850s to the Duke's

¹⁴⁶ *Inverness Courier*, 21 Sept. 1896.

¹⁴⁷ NLS, Acc. 10225, Crofters, ZC/b, MacLean to Frederick Wrench, 3 Oct. 1896.

¹⁴⁸ NLS, Acc. 10225, Crofters, ZC/b, MacLean to Wrench, 3 Oct. 1896. Also, MacLean to new Crofter-Proprietors, 28 Aug. 1896.

¹⁴⁹ NLS, Acc. 10225, Crofters, ZC/b, cutting from *Inverness Courier*, 21 Sept. 1897.

¹⁵⁰ Cameron, *Land for the People*, 88, 101.

Memo in 1884. The Crofters Purchase Scheme and the Duke's Memo had both tried to pre-empt government action in the Highlands, and were an attempt by the estate to hang onto power which otherwise was slipping away from them. Both had failed due to resistance from the crofters: they knew where their interests lay, and that was with the protection of government, not concessions from the estate.

'They appeared to me to desire to have the whole estate in their own hands:' the Deer Forest Commission, 1892-95¹⁵¹

The Deer Forest Commission was appointed in 1892 by Gladstone's Liberal government to investigate a fairly specific remit; whether any land in the Highlands could be removed from sheep runs and deer forests and given to the crofters to cultivate, and if so, where that land was. The Commission was chaired by Sheriff Brand, who was already Chair of the Crofters Commission. Two notable Commissioners in a Sutherland context were the county M.P., Angus Sutherland, and his informal deputy and leading light in the Sutherlandshire Association, John MacLeod of Gartymore. The Radical credentials of these two individuals raised hopes among the crofters that reform in their favour was possible.¹⁵² The Sutherland estate factors shared this expectation, but did not view it in the same positive light. McIver declared himself amazed and disgusted by these choices, especially that of, 'John MacLeod, Gartymore – a man of no reputation and who is not in a position socially to allow him to be a member of any Commission...the large majority of the members are prejudiced strongly against Deer forests and large farms.'¹⁵³ Box was in agreement with McIver in suspecting that the Commission would do little good for the landlord interest.¹⁵⁴

The Sutherland factors were busy in the run up to the Commission's visit to Sutherland preparing evidence and statements that would try, as far as possible, to convince the Commission that firstly, there was little good quality land to be had in deer forests and secondly that it would be financially ruinous to the estate if patches of land were given over to the crofters in deer forests. They were not alone; estates all over the Highlands were also busy trying to construct a defence over what was undeniably a major source of income for proprietors. This was certainly the case in

¹⁵¹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 25 Oct. 1893.

¹⁵² A. Newby, 'Shoulder to Shoulder? Scottish and Irish Land Reformers in the Highlands of Scotland, 1878-1894,' Unpublished PhD thesis, University of Edinburgh (2001), 321.

¹⁵³ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 30 Nov. 1892 and Factor's Correspondence, 1961, McIver to Malcolm of Invergarry, 30 Oct. 1893.

¹⁵⁴ NLS, Acc. 10225, Factor's Correspondence, 1498; Box to McIver, 11 Sept. 1893, 16 Sept. 1893 and 26 Oct. 1893. Also Box to Malcolm of Invergarry, 10 Nov. 1893. See also Cameron, *Land for the People*, 77-78.

Sutherland, where shooting and fishing rents were by the early 1890s the most lucrative and stable income the estate had. In 1893, the very year of the visit of the Commission to Sutherland, McIver was urging the Duke's advisors to afforest even more of Assynt, as the once-lucrative sheep farms fell into the estate's hands as profits from sheep farming plummeted.¹⁵⁵

The arrival of the Commission was seen as very threatening at this stage of the estate's conversion from sheep farms to deer forests. By 1892, 212,658 acres of land previously under sheep had been converted to deer forests, and this figure would rise through the 1890s.¹⁵⁶ Of course, the estate did not have a good reputation regarding its enormous sheep farms either: 634,301 acres were still under sheep and Melness farm in Tongue alone covered 81,000 acres.¹⁵⁷ The factors were also concerned what effect the Commission would have on the crofting tenants, and predicted more 'excitement' and raised expectations among them, 'this class of tenants are again excited by the appointment of the Commission as to Deer Forests – high expectations are again raised, which must end in disappointment.'¹⁵⁸ The factors kept a watchful eye on what the crofters were doing to prepare for the Commission, and were especially on the lookout for those 'outside' agitators who had haunted the estate in the early 1880s. McIver, for once, thought the estate had little to fear from these baneful influences, '[Crofters were] furnished with written statements sent to them by Leaguers and Agitators – repeating the same old complaints about land and their desire for more...The truth is that the large majority of the crofters now see the futility and absurdity of the prospects held out by agitators.'¹⁵⁹ McIver thought the absolute lack of cultivable land an impossible barrier for the agitators to argue their way around, as his evidence would show.¹⁶⁰

The other factors were busy gathering hard tabular evidence to back up their defence in front of the Commission and were helped in their task with advice from

¹⁵⁵ SCRO, K/1/3/81/a, McIver to Wright, 24 June 1893.

¹⁵⁶ PP1895 XXXVIII-XXXIX, *Evidence of the Royal Commission (Highlands and Islands) 1892*, [hereafter *Deer Forest Commission Evidence*], George Malcolm, 1328.

¹⁵⁷ *Deer Forest Commission Evidence*, MacLean, 602; Box, 696; McIver, 715-6.

¹⁵⁸ SCRO, K/1/3/81/a, McIver to Wright, 3 Jan. 1892, 17 Jun. 1893 and 14 Dec. 1893.

¹⁵⁹ SCRO, K/1/3/81/a, McIver to Wright, 14 Dec. 1893; NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 11 Jan. 1893.

¹⁶⁰ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 27 Jan. 1893.

the Highland Property Association, through its secretary, George Malcolm, factor for Ellice of Invergarry.¹⁶¹ Firstly, MacLean was sent by the Duke to be his delegate at a meeting of Proprietors in Inverness in December 1892 to discuss the Commission and to construct a concerted defence.¹⁶² MacLean was unimpressed by the inflexibility of some of the other landlord's views, 'At first I had found there had been a strong tendency on the part of some to ignore the Commission and its inquiries, but that disposition was overcome.'¹⁶³ He was critical of this sluggish attitude because he, along with others in the estate management, recognised that times had changed in the Highlands and that landlords had to defend their position in a way they had never had to do before 1882, 'I hope the Landlord's Association will muster themselves and work with energy to meet this attack on their interests. I do not know who is secretary or who takes a leading interest in its business, but it is time they were at work.'¹⁶⁴ Luckily, the Highland Property Association did have a very active secretary in Malcolm and the Sutherland estate was keen to make use of his expertise and be led by his views when putting together their own evidence. Malcolm examined the drafts of the factors' statements, and was in regular correspondence with them, Box especially.¹⁶⁵ Box became very anxious about the Deer Forest Commission for the simple reason that Strathnaver was in his management and he expected much damaging crofter evidence and agitation over that emotive glen, and the clearances which took place there.¹⁶⁶ In return, the factors provided Malcolm with information on Sutherland deer forests and sheep farms for his own statement on behalf of the Highland Property Association.¹⁶⁷

The evidence given to the Deer Forest Commission by the crofters and their delegates clearly articulated their wants and grievances in the wake of the 1886

¹⁶¹ NLS, Acc. 10225, Crofters, ZN/e, tabular information on Assynt for the Deer Forest Commission.

¹⁶² Cameron, 'Political Influence,' 34.

¹⁶³ NLS, Acc. 10225, Factor's Correspondence, 389, MacLean to Duke, 22 Dec. 1892.

¹⁶⁴ NLS, Acc. 10225, Factor's Correspondence, 217, McIver to Wright, 30 Nov. 1892.

¹⁶⁵ NLS, Acc. 10225, Factor's Correspondence, 1497, Box to Wright, 13 May 1893, Box to Macaulay, 21 Aug. 1893: 1498, letter Box to McIver, 16 Sept. 1893. See Cameron, 'Political Influence,' 33.

¹⁶⁶ NLS, Acc. 10225, Factor's Correspondence, 1497, Box to Macaulay, 21 Aug. 1893.

¹⁶⁷ NLS, Acc. 10225, Factor's Correspondence, 1498, Box to McIver, 16 Sept. 1893 and Policy Papers, 217, McIver to Wright, 11 Jan. 1893.

Crofters Act. Just as the crofters had exactly ten years earlier explained to the Napier Commission, so they emphasised to the Deer Forest Commission their historical and moral right to the land that their forefathers had been cleared from decades before.¹⁶⁸ As one witness put it, 'The statement I am going to make has been written on my heart, as a descendant of those who were evicted.'¹⁶⁹ The crofters highlighted the immorality of deer and sheep being prized over men,

Ten or eleven of these townships are now the sacred preserves of the deer. No other animal from man downwards has permission to walk over these grounds – no animal I may say except those that are preserved for the pleasure of murdering them some day...There is no denying that these wild lands could be put to a better purpose.¹⁷⁰

Not only did past clearances give a moral justification, in the eyes of the crofters and their supporters at least, for crofters to be given extensions of land, but it also had a practical side. After all, if crofters had lived on the land before, then they could do so again. The crofters also expressed themselves willing to move to these lands if they had to, 'We would be only too willing to return to Strathnaver tomorrow if we got the opportunity.'¹⁷¹ Indeed, the sheer demand for land was most emphatically put; the crofters complained of congested townships, while thousands of acres were fenced off from them in game parks and sheep runs that used to be cultivated by their forefathers, and they wanted that land back.¹⁷² This desire for land was made more urgent when the plight of the Sutherland cottars was highlighted, and the burden they were to crofters in townships all over Sutherland, 'A great relief it would be to the poor crofters if there should be provided a place for the cottars, because the crofters are overcrowded with cottars. Each cottar, with a family, requires ground for peat; he requires grazing for perhaps a few sheep and

¹⁶⁸ Withers, 'Give us land and plenty of it,' 46-47.

¹⁶⁹ *Deer Forest Commission Evidence*, 614. See also, 585, 603, 611, 667, 709.

¹⁷⁰ *Deer Forest Commission Evidence*, 591. See also 618 and 709.

¹⁷¹ *Deer Forest Commission Evidence*, 667. See also, 592, 597, 747.

a cow, and that is reducing the crofters to naught.¹⁷³ When asked about land hunger, crofter delegates made it clear that such a desire was strong but only, 'if they can get it [land] on advantageous terms.'¹⁷⁴ By this, the crofters meant that a fair rent should be fixed for additional land by the Crofters Commission and in some cases, that crofters should qualify for some scheme of government assistance to help them with building, fencing and stocking.¹⁷⁵ Most thought this money should come in the form of low interest government loans and that most new townships would have to run their stock in a club farm system, to cut down on the costs of fencing and make land grants more efficient.¹⁷⁶ These practical points were of much interest to the Commission, which feared that even if land had been held by crofters eighty years previously, it would now be unreclaimable. They quoted the failure of the 3rd Duke's reclamations projects in the 1870s as evidence of this (as did the estate factors), but the crofters rejected that view, 'These reclamations having turned out a failure is no positive proof that the people could not live in comfort on the land held by their forefathers.'¹⁷⁷ The crofters regarded the reclamations as badly executed and that they could do better for a fraction of the cost.¹⁷⁸

All three of the Sutherland factors also gave evidence to the Commission, opposing the crofters' basic assertion that there was land for them in the deer forests. They further argued that giving land to the crofters would financially ruin the estate. All three produced complicated tabular information listing to the last acre and shilling the size and worth of the deer forests. For example, in the Dunrobin district, 70,200 acres were given over to deer forests and generated an annual income of £13,583. 5/- 1d., as compared to the 268,085 acres of sheep farms

¹⁷² *Deer Forest Commission Evidence*, 584, 585, 588, 597, 612, 625, 659, 667, 732, 740.

¹⁷³ *Deer Forest Commission Evidence*, 724. Hunter, *Crofting Community*, 180.

¹⁷⁴ *Deer Forest Commission Evidence*, 585.

¹⁷⁵ *Deer Forest Commission Evidence*, 597 and 689.

¹⁷⁶ *Deer Forest Commission Evidence*, 586.

¹⁷⁷ *Deer Forest Commission Evidence*, 620. Also, 585 and 640.

¹⁷⁸ *Deer Forest Commission Evidence*, 618. See Chapter One for more comment on the reclamations.

which produced only £7,239. 2/- 6d.¹⁷⁹ The statistical evidence pointed clearly to the value of deer forests to the estate; crofters' rents only counted for £3,572 per annum in the Dunrobin district, almost exactly £10,000 a year less than income from shootings. This pattern was repeated in the other two districts.¹⁸⁰ MacLean also argued hard that by letting the crofters occupy the low-lying ground in deer forests, the whole value of the let would be wrecked, 'You at once seriously injure the remainder of the grazings and render immense tracts of land unlettable for either sheep or deer.'¹⁸¹ He also claimed that no one, not even the crofters, would be able to successfully cultivate land in forests.¹⁸² Box was in agreement with MacLean on this point and illustrated further the practical difficulties of giving the few patches of good land that were in deer forests, 'if the few green spots were taken for occupation, long narrow strips would have to be effectively fenced at great cost, and the deer forests seriously injured.'¹⁸³ Both Box and MacLean, however, were authorised by the Duke to make the following remark at the end of their statements, 'The Duke of Sutherland is disposed to look favourably on the creation of small farms where suitable holdings can be found, and where they can be made with satisfaction and with prospects of success.'¹⁸⁴ The Commissioners understandably wanted more detail, but the comment was only meant to show that the Duke merely wished to demonstrate he was not unsympathetic to the crofters wishes. Both Box and MacLean admitted that the solution to the crofters' problems was larger holdings, but had no practical plans or solutions to give the Commission.¹⁸⁵ Perhaps unsurprisingly, McIver was less sympathetic to the crofters, telling the Commission flatly that, 'I don't think that any land is profitably occupied by crofters,' that crofter agriculture was inefficient and they would be unable to stock any land they got.¹⁸⁶ McIver believed that by granting crofters land,

¹⁷⁹ *Deer Forest Commission Evidence*, MacLean, 599. For analysis on the decline of sheep farming see P. T. Wheeler, 'Landownership and the crofting system in Sutherland since 1800,' *Agricultural History Review*, 14 (1966), 47 and Orr, *Deer Forests*, 23.

¹⁸⁰ *Deer Forest Commission Evidence*, Box, 696; McIver, 709.

¹⁸¹ *Deer Forest Commission Evidence*, MacLean, 600.

¹⁸² *Deer Forest Commission Evidence*, MacLean, 600.

¹⁸³ *Deer Forest Commission Evidence*, Box, 696.

¹⁸⁴ *Deer Forest Commission Evidence*, Box, 697; MacLean, 601.

¹⁸⁵ *Deer Forest Commission Evidence*, Box, 698; MacLean, 601.

¹⁸⁶ *Deer Forest Commission Evidence*, McIver, 718-719.

the poverty that haunted them would simply be extended over the whole estate; instead, he suggested emigration.¹⁸⁷

The Deer Forest Commission reported in 1895 and its findings were mixed for both the estate and the crofters. On the one hand, the Commission scheduled a total of 395,898 acres in Sutherland that could be given to crofters in various forms, a figure second only to the 549,598 acres scheduled in Inverness-shire.¹⁸⁸ This seemed to prove the crofters right, but reservations were highlighted. Much of this acreage was in the eastern part of Sutherland, where demand for land was less than in the west, and the Commission pointed out that the poor soil and climate of the west and north coasts were significant barriers to successful cultivation.¹⁸⁹ The Commission was also concerned that even the scheduled acres would not be enough to provide self-sustaining holdings.¹⁹⁰ As it stood, the Report of the Commission had little of the impact the factors had feared; the Liberal government fell before any legislation could be passed on the basis of its findings, and the estate's interests were safe. The factors were concerned about the effect the Commission had had on the behaviour of the crofters, however. They were worried that expectations had been needlessly raised and that the estate would pay for the crofters' disappointment,

The effect such an inquiry produces on the people – the feelings it ran and the passions it feeds are most injurious. It raises the convictions and wild desires of the crofters and sets them against their landlords...From first to last it was a reiteration of the cry for more land – for what they would like to take from others and get for themselves without reference to the possibility or impracticability of their being unable to possess or to stock or to get what they asked for and described as their wishes. They

¹⁸⁷ *Deer Forest Commission Evidence*, McIver, 721.

¹⁸⁸ PP1895, *Report of the Royal Commission (Highlands and Islands) 1892* [hereafter *Deer Forest Commission Report*], xxi.

¹⁸⁹ *Deer Forest Commission Report*, 11.

¹⁹⁰ *Deer Forest Commission Report*, 10.

appeared to me to desire to have the whole estate in their own hands.¹⁹¹

Despite this unfortunate side effect, the estate had little to fear from the Deer Forest Commission. They were much more organised than when they faced the Napier Commission ten years previously, and also had the additional back up of the Highland Property Association and its secretary, George Malcolm. The statements made by the Sutherland factors were not significantly different to those given by other representatives of the landlord class across the Highlands and may indeed have been viewed as more reasonable than some, especially as the Crofters Purchase Scheme was underway simultaneously. Even McIver was relatively well behaved, as he said, 'I got some useful hints from [James] Gordon [the Assynt sub-factor] who advised me to confine my written statement to statistics and facts and to avoid expressing opinions which might lead to a cross-examination which [Angus] Sutherland was disposed to do, especially with the Duke's representatives.'¹⁹² Overall, the estate's defence was well organised and uniform, presenting a united front difficult to achieve in such a huge and environmentally diverse estate. This surprising unity can be explained by the fact that the remit of the Commission was narrow, and all the staff could agree on defending the worth of deer forests; finding a solution to the crofters' problems was a much more divisive issue.

¹⁹¹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 25 Oct. 1893.

¹⁹² NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 17 Oct. 1893.

Conclusion

The 1886 Crofters Act had been given a cautious welcome by the Sutherland estate management and its crofters. The crofters saw an independent body it could trust and the estate management hoped the Crofters Commission would deal with the low level agitation of some of its crofters. Both parties were to be disappointed in these expectations. The crofters were unhappy with many of the decisions of the Crofters Commission as regards rents and enlargement of holdings and the estate management were unhappy when the crofters subsequently refused to abide by the decisions of the Crofters Commission and turned back to petitioning the estate and agitating. The extent of the crofters' disillusionment with the 1886 Act was seen in front of the Deer Forest Commission, where the dominating cry was for more land: exactly as it had been in front of the Napier Commission in 1883.

The estate had attempted to seize the initiative on this question in 1894 with its Crofters Purchase Scheme, but it failed to convince the crofters of the benefits of giving up their status and privileges as tenants and the estate was again thrown onto the defensive. This Scheme had direct parallels with the 1884 Duke's Memo Scheme; both tried to pre-empt government legislation on the Highlands and both failed to convince the crofters that they would be better off taking what the estate offered. The crofters, who had already benefited from the security and privileges granted to them by the Crofters Act, preferred instead to wait and see what else the government would grant. The Sutherland estate, as in 1884, was again in a unique position regarding its Purchase Scheme. No other Highland estate was in the financial or ideological position to offer such a scheme to its own small tenants, even though many landowners looked favourably upon purchase as a principle.¹⁹³ Once again, the Sutherland estate had attempted to be a trailblazer in solving the Highland question, and had again misjudged both the level of trust with which its small tenants regarded it and the ability of other estates to follow its example.

¹⁹³ Cameron, *Land for the People*, 83; NLS, Acc. 10225, Crofters, ZC/b, Mackenzie to MacLean, 20 Sept. 1894.

Initial government intervention on the estate, through the Crofters Commission, was not an unqualified success, but the estate management, (with the exception of McIver), gradually came to the conclusion that it was necessary to curb the hostility of some crofters and make relations with them both possible and workable. This process of government intervention in estate management, which began with the 1886 Act was to be extended in 1897 with the *Congested Districts (Scotland) Act* and was the next challenge the estate would have to face.

Chapter Four: 'Unstained were the diadems Cromarty wore:' the Sutherland Estate,
1897-1913¹

Introduction

'Now, among all Englishmen and Englishwomen...no one is so hostile to lowly-born pretenders to high station as the pure Whig.'²

In 1897, the *Congested Districts (Scotland) Act* was passed, to the intense interest of the Sutherland estate management. The 4th Duke was now settled into running his vast estates, and watched government actions with care. The Congested Districts Board [hereafter CDB], was given powers of land purchase for the benefit of crofters, as well as funds to invest in stockbreeding, the fishing industry, roads, marine works and bridges.³ The ideological basis for the CDB had conservative roots; landowning opinion had lobbied for years for government investment in areas such as fishing, communications infrastructures and land purchase, to take crofters completely off their hands rather than face further reform along the dual ownership principle.⁴ On this basis, a cautious welcome could have been expected from the Sutherland estate. After all, the 4th Duke had tried his own Crofters' Purchase Scheme three years previously and the estate would surely be happy to have the burden of investment in the county shared by the government. This, however, was not initially the case. The Duke had been actively following the appointment of the first members of the CDB, and had strongly opposed, for unexplained reasons, that of Mr William Mackenzie of Trantlemore, Forsinard, Sutherland. This personal abhorrence led to a very cool initial response to the CDB,

¹ *Highland News*, 12 Jul. 1913.

² A. Trollope, *Barchester Towers*, London (1st Edition, 1857).

³ *Scottish Highlander*, 24 Jun. 1897 and E. A. Cameron, *Land for the People? The British Government and the Scottish Highlands, c.1880-1925* (East Linton, 1996), 83-4 and A. S. Mather, 'The Congested Districts Board for Scotland,' in W. Ritchie, J. C. Stone and A. S. Mather (eds), *Essays for Professor R. E. H. Mellor* (Aberdeen, 1986), 198, 200, 201-202.

⁴ E. A. Cameron, 'The Political Influence of Highland landlords: a reassessment,' *Northern Scotland*, 14 (1994), 35.

For your private information I am to say that His Grace is most strongly opposed to the Board having been constituted without consulting him as to the appointment of certainly one of the members - Mr Mackenzie. He has had numerous communications with the Govt [sic] and they are fully aware of his views upon this point but hitherto they have not offered to make the slightest concession and therefore he is not inclined to give them, as the Board is now constituted, any active assistance at present.⁵

The Duke obviously felt entitled to meddle in the composition of the new Board and was piqued when this was denied him. He soon got over his disappointment, however, and did co-operate with the CDB throughout its tenure. In this he was enthusiastically supported by his factors. In 1897, as in 1886, there was a feeling of relief when some responsibility was lifted from the shoulders of the estate management, as the government extended its remit in the Highlands. The responsibility for alleviating the crofters' grievances now rested with the government, as Box made clear, 'I am quite of your mind that we should, as Estate officials, keep out of this business as much as possible.'⁶ Some crofter supporters in the press had concerns based on the fact that the CDB had no compulsory purchase powers.⁷ If an estate chose to be uncooperative, there was little the CDB could do. This danger was most clear in Sutherland, where the Duke owned almost the whole county; if he chose, he could block any extension of land for crofters, leaving the whole crofter population stranded. Some sections of the press did not have much faith in the landowners, 'The Highland landlords will never give suitable lands in the localities where it is most required unless they are compelled to do so by the Act itself.'⁸ This would not be the problem the Board faced in Sutherland; rather, the Duke was willing to sell land, but not in the right places for the right prices.

⁵ National Library of Scotland [hereafter NLS], Acc. 10225, Policy Papers, 158, Wright to Box, 21 Feb. 1897. See also NLS, Acc. 10853, Policy Papers, 43, Wright to MacLean, 21 Feb. 1897.

⁶ NLS, Acc. 10225, Factor's Correspondence, 1511, Box to MacLean, 22 Feb. 1898.

⁷ Cameron, *Land for the People*, 84.

⁸ *Scottish Highlander*, 24 Jun. 1897.

This chapter will examine in detail the workings of the CDB in Sutherland, which were always controversial and, despite the best efforts of the Board, not ultimately very successful. It will also look at the changing structure of the Sutherland estate itself: the 4th Duke sold off thousands of acres before his death, along with both Trentham and Stafford houses, changing the profile of the estate permanently. He replaced acres sold in England and Scotland with extensive estates in Alberta, Canada, on which he planned to settle emigrants from Britain, especially Sutherland. This chapter will also describe the position of the Sutherland crofters, how much it had changed since 1869, and if for the better in any tangible sense. The workings of the CDB, and later the Board of Agriculture for Scotland, evidently had an impact on life in Sutherland, even if only in a small way, but to what extent did the activities of these organisations address the basic demands of the crofters?

'They are on the whole a very helpless, useless lot:' the Sutherland crofters, 1898-1913⁹

By 1897, the Sutherland crofters had seen more than ten years of intervention by government agency in the Highlands through the Crofters Commission. This body, as well as directly helping the crofters in terms of fair rents and some limited extension of land, was also in a less tangible sense a protective body. In theory, it could help prevent the worst excesses of landlord policy by observation and moral pressure, as well as its legal powers. The creation of the CDB generated new hope, as for the first time government money was set aside for land purchase and investment in infrastructure.

This help was needed, as the position of the majority of the Sutherland crofters clearly showed. Grinding poverty still characterised the living standards of most crofters, leading to frequent ill health, and for the estate, growing arrears of rent, despite the work of the Crofters Commission in fixing fair rents. The factors sent in regular reports to Head Office on the state of the crofters, and the same problems recurred again and again,

I have been very much concerned about the appearance of the crofters' cattle. They are worse than I ever saw them and many must succumb before the growth of grass comes on...There is no doubt that this year the necessity for provender is urgent and the people who need it most are the very poorest...To add to the difficulties at present with us just now, there is a most complete epidemic of influenza all round – every house has been visited and in some cases whole households are down, six or eight at once. Some cases have proved fatal.¹⁰

⁹ NLS, Acc. 10225, Factor's Correspondence, 1514, Box to Duke, 6 Mar. 1899.

¹⁰ NLS, Acc. 10225, Factor's Correspondence, 1511, Box to Duke, 6 Apr. 1898. See also NLS, Acc. 10225, Factor's Correspondence, 1508, Box to Duke, 8 Mar. 1897; Factor's Correspondence, 419,

Similar reports came in from the Sutherland factors well into the 1900s, demonstrating that despite the best efforts of government, the Sutherland crofters were still living in poverty-stricken conditions. This can be most clearly seen in growing rent arrears, and in how the estate tried to address this issue.¹¹

Management	Year	Rent owed £	Rent received £	Arrears (brought forward) £
Tongue	1897	2596.0.6	2316.12.4	1674.9.6
Scourie	1897	2112	1175	1490
Dunrobin	1897	5244.14.0	?	2515.4.2
Totals				

Table 1: Crofters arrears, 1897¹²

As this table shows, crofters' arrears were a serious problem; in each management the arrears stood at over half of the income expected. In Tongue this figure was 64%, and in Scourie 70% of rents remained unpaid. Of course, rental income from crofters was relatively small compared with that from other sources, as this table for the Dunrobin management in 1897 shows: this pattern was repeated across the other managements.

MacLean to Duke, 30 Jun. 1900; Crofters, V/b, Notebook, 1904; Policy Papers, 113, MacLean to Duke, 22 Jun. 1908.

¹¹ Rent arrears were a problem on the Cromartie and Macdonald estates too: see NAS, GD 305, Estate Correspondence, 1900, Alex. Ross, G. O. to William Gunn, 19 Feb. 1892, 28 Sept. 1892 and 1 Feb. 1893 and Armadale Castle, Macdonald MSS, 3533, Mary MacLennan, crofter to Alex. Macdonald, 6 Apr. 1895 and Effy Robertson to Alex. Macdonald, 26 Jan. 1896.

¹² NLS, Acc. 10225, Rentals: Abstracts for Dunrobin, Scourie and Tongue managements, 1897.

Source of Rental	Annual Rental £	Arrears in 1897 £	Total rental of Dunrobin Management
Sheep farms	7605.11.5	125.4.6	£ 50,129.1.1
Arable farms	6083.6.8	0	
Crofters and cottars	5244.14.0	2515.4.2	
Shootings	21,065.7.8	0	

Table 2: Breakdown of rental of Dunrobin management, 1897¹³

As well as generating the smallest sums in rental, the crofters and cottars rents were in arrear by 50%.

Despite this, the Duke was happy to let the factors deal with the problem as they wished; his income did not depend on crofters' rents in the north and the ducal family seems to have given up on the idea of making Sutherland pay by the mid-1890s. The factors were frustrated by the Duke's attitude: 'The Duke won't take any legal action especially in the way of removal and he becomes rather careless about the matter when it is mentioned to him.'¹⁴ His reputation for kindness and generosity towards the crofters appears to have been fixed in the 1880s, although some of the factors believed he was generous to a fault. This generosity was predicated on the fact that during his 1885 election campaign he made large numbers of promises to individual crofters to help them out of personal difficulties, much to McIver's disapproval, 'I was sure Lord Stafford would be troubled with petitions, in consequence of what was said and promised during his political canvass. He has certainly exhibited far less judgement in the manner in which he

¹³ NLS, Acc. 10225, Rentals, rental abstract for Dunrobin, 1897.

¹⁴ NLS, Acc. 10225, Factor's Correspondence, 429, MacLean to James Simpson, 7 Nov. 1902.

answers the petitions.’¹⁵ McIver feared the crofters were taking advantage of the Duke’s reputed liberality, a trait that the Duke could not afford, having just paid out huge sums to the Dowager Duchess, ‘Many of them [crofters] are under the impression that the Duke is a generous kind man who will not press them or take steps against them – it will be necessary to show these that payment of rent is a necessity and that His Grace cannot permit such irregularity in payment of rents to go on.’¹⁶

The factors were very concerned about the situation, and from the number of letters on the subject between them, it seems to have developed into something of an obsession. They saw the non-payment of rents as a failure of discipline and felt that they had to be paid for their authority to remain intact. There was little they could do to combat the problem, however, which by this period seems to have been due to poverty, rather than politics. Despite this, the factors still had to watch their step, as Box complained when considering an especially frustrating case in which he wanted to take direct punitive action, ‘[it] might perhaps be injudicious in these days when one lives in the “fierce light” of publicity.’¹⁷ This did not stop the estate taking legal action where possible, usually by bringing the worst offenders to the Small Debts Court to try and set an example, ‘In the interests of the estate management and to avoid the inevitable consequences of such a bad example if allowed to go on unchecked.’¹⁸ The factors were acutely aware of the crofters’ poverty; it only took a failure of the fishings or low cattle prices for a season, and no rents would be forthcoming. Unfortunately, these economic crises were repeated year after year, leaving the estate with little choice but to take the matter to the courts,

¹⁵ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 25 Feb. 1889.

¹⁶ SCRO, K/1/3/81/a, McIver to Wright, 11 Jul. 1893. See also NLS, Acc. 10225, Policy Papers, 206, Wright to McIver, 11 Oct. 1893. For other aspects of his personality, see D. Stuart, *Dear Duchess: Millicent, Duchess of Sutherland, 1867-1955* (London, 1982), 60, 63, 69, 71 and 118.

¹⁷ NLS, Acc. 10225, Factor’s Correspondence, 1508, Box to Duke, 6 Jan. 1897.

¹⁸ NLS, Acc. 10225, Factor’s Correspondence, 1509, Box to Wright, 21 Jul. 1897. See also 1508, Box to Macaulay, 28 Apr. 1897; 1513, Box to Duke, 12 Sept. 1898; 408, MacLean to Macaulay, 14 Sept. 1897, MacLean to Duke, 28 Sept. 1897; 409, MacLean to Macaulay, 15 Oct. 1897, MacLean to Duke, 20 Nov. 1897; 460, MacLean to Macaulay, 22 Sept. 1910.

There is no doubt that the people are very poor. Their resources have been much reduced by the very low price of sheep and by the almost total failure of the home fishings. The latter is a very serious business, and will I fear continue to have a very bad effect on this district. Still we cannot let these people go on getting yearly further into arrear as they would soon go beyond recovery and the example to their honest neighbours is so dangerous.¹⁹

This clearly shows the estate's attitude to crofters' arrears; they recognised the economic difficulties and poverty of the crofters, but even so, labelled them 'dishonest' if they did not pay regularly, 'there is no excuse for a large number of the crofters...who have not paid and they will need to be pressed.'²⁰ Occasionally, the estate realised it was fighting a losing battle, and cancelled the arrears of the very poorest.²¹ The estate also gave out Christmas gifts of coal and beef, although who received these depended on the goodwill of the factor. There were also grants of seed potatoes and oats in very poor years, although the crofters were expected to pay for these.²²

Continuing difficulties over rent payment were linked to land hunger and demographic problems which had been evident since the 1860s. Land hunger was still prevalent, although some factors underestimated this feeling on the part of the crofters. John Box reported in early 1898 that, 'My impression is that hunger after more land in this district has greatly subsided...The sincere part of the crofters' cry for more land has really been confined to the extension of hill pasture...It was the young people, cottars etc., who wanted new crofts.'²³ This view was challenged by the crofters' obvious excitement when the CDB purchased Syre farm in Strathnaver

¹⁹ NLS, Acc. 10225, Factor's Correspondence, 1517, Box to Duke, 6 Jan. 1900.

²⁰ NLS, Acc. 10225, Factor's Correspondence, 410, MacLean to Duke, 27 Jan. 1898.

²¹ NLS, Acc. 10225, Factor's Correspondence, 410, MacLean to James Simpson [Assynt sub-factor], 6 Jan. 1898.

²² NLS, Acc. 10225, 449, MacLean to Taylor [Lochinver sub-factor], 21 Dec. 1907, MacLean to McHardy [Brora G.O.], 23 Dec. 1907; 451, MacLean to Taylor, 14 Apr. and 25 Apr. 1908.

²³ NLS, Acc. 10225, Factor's Correspondence, 1511, Box to Duke, 22 Jan. 1898.

in 1901 for the benefit of local crofters.²⁴ Land agitation had certainly died down in Sutherland since the heady days of the 1880s, but the crofters' underlying need and desire for land was still smouldering, and any opportunity offered was taken, for example at Clashmore and Inver farms in Assynt in 1909.²⁵ Petitions were regularly sent in by crofting townships for extensions of grazings, clearly demonstrating that little had changed since the 1880s, despite the quieter mood in the county.²⁶ The estate, instead of focussing on land hunger, grew increasingly concerned about female crofters, especially widows or spinsters, retaining crofts that might have gone to young families, 'With the large number of female crofters, annually increasing, very many of the crofts are getting into a bad state of cultivation, and the buildings on them going into a state of dilapidation. It would be far better if these people gave up the crofts, but they cling to them.'²⁷ The Duke thought that, 'if these women emigrated they would be of value in the colonies,' but this was never attempted and the estate trusted to the fact that, 'they [the women] may probably in the future gradually decrease.'²⁸

This concern over female crofters letting their crofts run to ruin was just another symptom of land hunger. Resources such as crofts and pasture were under dispute as crofters competed for space. This situation was well summarised in the long running disagreement between the crofters of the Knockan and Elphine townships in Assynt over their adjoining pasture. The pasture land for the two townships had no fence to separate them; obviously, the stock of both townships wandered over the whole area, leading to friction over this resource. In 1898, the Elphine crofters took the Knockan crofters to the Sheriff court for trespass of their stock, claiming £4.2/- for damages.²⁹ The situation was ironic because interdicting was a tactic

²⁴ NLS, Acc. 10225, Factor's Correspondence, 1514, Box to Duke, 6 Feb. 1899, 6 Mar. 1899 and 11 Apr. 1899.

²⁵ NLS, Acc. 10225, Crofters, ZP/d, MacLean to Taylor, 5 Apr. 1909, Macaulay to Taylor, 13 May 1909, MacLean to Taylor, 18 May 1909.

²⁶ NLS, Acc. 10225, Crofters, A/file: Crofters letters to MacLean 1906, Kinlochbervie crofters to MacLean, 21 Jun. 1907; Policy Papers, 167, James Simpson to Col. Morrison [Tongue factor], 28 Dec. 1907.

²⁷ NLS, Acc. 10225, Factor's Correspondence, 422, MacLean to Duke, 8 Feb. 1901.

²⁸ NLS, Acc. 10853, Policy Papers, 46, Simpson to MacLean, 13 Feb. 1901.

²⁹ NLS, Acc. 10225, Factor's Correspondence, 414, MacLean to Simpson, 13 Jan. 1899 and MacLean to Duke, 31 Jan. 1899

frequently used by the Sutherland estate against crofters whose stock had wandered onto sheep farms or deer forests. Now, land hunger was so acute that crofters were using it against each other. In retaliation, the Knockan tenants wrote to the Crofters Commission, asking them to make the two lots of pasture into one common, but this was rejected by the Elphine crofters in favour of building a fence between the two, which was eventually done.³⁰ Land hunger was still a major factor for the crofters, therefore, even if it was expressed differently in the 1890s than in the 1880s.

Land was not the only question on the crofters' minds in the 1890s and 1900s: CDB investment in the infrastructure of Sutherland was a welcome boon. The Board poured money into amenities in the county, from harbours, piers and boatslips to roads, paths and bridges.³¹ It also paid for improvements in stock in the form of bulls, rams and stallions loaned out to townships and in an agreement with the Sutherland estate, many miles of new fencing was erected to protect and define crofters' ground.³² The marine works were of especial import to the Sutherland crofters, many of whom spent more time fishing than farming. The Sutherland factors frequently pointed to failure in the fishings as the basis of the growing arrears in crofters' rents and so they were broadly supportive of any moves to improve the stability and prosperity of the fishing industry. One of the problems the small fishermen of Sutherland faced was the increase of trawling, especially illegal trawling, which effectively obliterated all the fish running close to the coast, exactly those which were accessible to the crofters in their small boats. The factors kept an eye on the situation and reported any illegal trawling, but there was little else they could do unless laws against inshore trawling were enforced more rigorously.³³ The factors could only watch as the fishings failed year by year, impacting heavily on payment of crofting rents. The effect was evident in Sutherland as early as 1904, as MacLean reported to the Duke, 'There have been many ups and downs in the

³⁰ NLS, Acc. 10225, Factor's Correspondence, 417, MacLean to Duke, 10 Nov. 1899.

³¹ See for instance, National Archives of Scotland [hereafter NAS] AF42/53, AF42/61, AF42/495, AF42/531, AF42/525 and AF42/3003.

³² See for instance, NAS, AF42/1082, AF42/1290, AF42/1474, AF42/1489, AF42/2301 and AF42/2423.

herring fishery at Helmsdale and I believe it is the history of the trade everywhere, but there has never been such a depressing year as this in Helmsdale. It is an absolute failure...It is most unfortunate but nothing can be done in the matter.³⁴ In 1904, the situation was so bad along the north and west coasts of Scotland a petition was organised by landowners in Sutherland and Caithness, signed by crofters and sent into the CDB, complaining that,

the industry along our coasts has during the last few years been disastrously affected, and that we, as fishermen or as workpeople connected with the Fishing Industry, have been reduced to extreme poverty. Our means of livelihood is in serious jeopardy from a variety of circumstances, and unless some strong steps are taken in the immediate future to assist us, we fear the very worst results to our families and to ourselves.³⁵

This petition was backed by both the Duke of Portland and the Duke of Sutherland, who sent the petition in under his own name. The result was a Commission of Inquiry which was set up almost immediately, and began sitting in January 1905.³⁶ The Report of this Commission was published in July 1905 and recommended fairly obvious remedies to help the flagging industry, such as tougher measures for trawlers, loans to fishermen to buy boats and gear, trials for motor boats and subsidies for transporting fish from remote areas, either by steam or road.³⁷ The Duke was keen to help, and agitated through his factors to the CDB, proposing they

³³ NLS, Acc. 10225, Factor's Correspondence, 1531, Col. Morrison to Fishery Board for Scotland, 25 Sept. 1905 and 28 Nov. 1905 and *John O Groat Journal*, 5 Oct. 1906.

³⁴ NLS, Acc. 10225, Policy Papers, 108, MacLean to Duke, 6 Aug. 1904 and Factor's Correspondence, 426, MacLean to Duke, 10 Feb. 1902; A. M. Tindley, 'Orkney and Shetland: Land Reform, Government Policy and Politics, c.1870-1914,' Unpublished MSc thesis (University of Edinburgh, 2001), 16 and PP 1904 XII *Annual Report of the Fishery Board for Scotland*, 3; M. Gray, *The Fishing Industries of Scotland, 1790-1914: A Study in regional adaption* (Oxford, 1978), 195, 211; J. R. Coull, *The Sea-Fisheries of Scotland: a Historical Geography* (Edinburgh, 1996), 129-130 and NAS, AF42/2633, Minute by Angus Sutherland, 11 Jul. 1905.

³⁵ NAS, AF42/2237, Petition to CDB, 1 Nov. 1904.

³⁶ NAS, AF42/2237, Secretary for Scotland to Duke, 11 Nov. 1904; NLS, Acc. 10225, Factor's Correspondence, 438, MacLean to Duke, 14 Jan. 1905; Acc. 10853, Policy Papers, 50, Duchess to MacLean, 25 Jan. 1905; Acc. 10225, Policy Papers, 109, MacLean to Duke, 21 Jan. 1905.

fund boat loans and motor transport to markets.³⁷ But, there was little this type of investment could do to help in the face of falling fish numbers and the rise of steam trawlers, and instead of an improvement after the Inquiry, the downward spiral of the fishing industry continued.

The crofters and those working for the fishing industry were not the only groups struggling to make ends meet in these years. Sheep farmers, once the magnates of Sutherland society, were also floundering, low prices making their huge lands economically unviable.³⁸ The process of afforestation of long established sheep farms had begun in the 1890s and reflected the difficulties facing sheep farming in Scotland at this time. The estate was sent petitions for rent reductions, and farmers became slow to pay their dues, as MacLean reported to the Duke in 1898, 'I am sorry to say that a number of the farmers are very slow to pay. I am pressing them and trust they will soon pay up, but if they don't before the end of the year it may be necessary to take legal measures to compel them.'⁴⁰ Experts agreed that land under sheep farms was deteriorating, but also that the sheep farmers themselves could have done more to prevent this. There was even some debate as to whether the sheep farmers would resort to crofters' tactics, by banding together to force the estates' hand,

Many thanks for the copy of the sheep farmers' petition. It is an extraordinary document and I am much surprised at seeing some of the names of those who signed it...There is, I think, no doubt that the greens on sheep farms are getting worse year by year...If the farmers would do something to improve the greens by putting on basic slag it would be more to the point than making complaints of this sort. I am very glad the Duke has said he will only consider individual cases: it is a mistake in my opinion to

³⁷ NAS, AF42/2633, Report on the Sea-Fisheries of Sutherland and Caithness, 1905.

³⁸ NLS, Acc. 10225, Factor's Correspondence, 438, MacLean to CDB, 17 Feb. 1905; 440, MacLean to Sir Reginald MacLeod, Scottish Office, 8 Sept. 1905.

³⁹ W. Orr, *Deer Forests, Landlords and Crofters: the Western Highlands in Victorian and Edwardian times* (Edinburgh, 1982), 22-23.

⁴⁰ NLS, Acc. 10225, Factor's Correspondence, 413, MacLean to Duke, 2 Oct. 1898.

treat with a lot of men collectively: they would form a sort of Trades Union in time.⁴¹

The sheep farmers' pre-eminent position was being usurped by the sporting tenants who paid well and promptly. Even these tenants were under attack from some quarters, namely crofter champions and the new Liberal government, as MacLean feared, 'It seems quite clear that Highland Proprietors will have to prepare themselves to meet the attacks which will be made on their property by the present Government, and, although they will have to act individually in the protection of properties and interests it will be wise to be united on a general line of action.'⁴² The Sutherland estate did not at least have to worry about the rentals coming in from the deer forests, even if the moral principles behind them were under the spotlight.

The Estate management itself, after the convulsive changes of the 1880s and 1890s, remained relatively stable throughout this period. There were staff changes, but these were due to ill health and natural retirement. In 1902 the Tongue factor, John Box, had a stroke and was forced to retire.⁴³ This was a blow to the estate; Box was an active and fair factor, unusually popular among the crofters, demonstrated by his regular election to the Parish Council. Box was replaced by Col. John Morrison, who remained Tongue factor until 1912, when he took over as Dunrobin factor when MacLean retired.

McIver retired in 1895, effectively marking a watershed in the estate management. The 4th Duke, instead of appointing a replacement, simply did away with the Scourie district altogether, carving it up among the Tongue and Dunrobin managements.⁴⁴ There are a number of reasons why he may have decided to do this; perhaps he thought a new factor could easily become another hate figure for the crofters, or that with continued government involvement in the estate, such

⁴¹ NLS, Acc. 10225, Crofters, A/ 'Crofters letters to MacLean, 1906,' Frank Sykes to MacLean, 8 Nov. 1905.

⁴² NLS, Acc. 10225, Factor's Correspondence, 442, MacLean to George Malcolm, 8 Mar. 1906.

⁴³ NLS, Acc. 10225, Factor's Correspondence, 1522, Charles Blaine to Duke, 20 Jun. 1902; 1523, MacLean to Duke, 18 Oct. 1902; Policy Papers, 107, MacLean to Duke, 8 Jun. 1903.

intense management was no longer needed. McIver's retirement heralded a new era for the estate; one that was not so closely rooted in the troubled past of the Highland Famine, clearances and the mentalities that accompanied them. The reins of the Scourie Management had passed to MacLean, but he appointed a Lochinver sub-factor, James Simpson. By 1905, however, the Duke had decided to remove Simpson from his post, as, in the words of MacLean, 'I think Simpson might be better if he were away from Lochinver as somehow he doesn't like the people and they don't like him.'⁴⁵ The situation was unworkable and the estate advertised the post, looking for, 'some really good practical man with tact and judgement...It would be an advantage too if he spoke Gaelic.'⁴⁶ As with the appointment of a new ground officer in 1911, the Duke pointed out that, 'I think a stranger would be preferable,' presumably because he would not be easily swayed by the crofters, perhaps be more objective, but also loyal to the estate.⁴⁷ MacLean had 350 applications to choose from, although pessimistically thought that, 'I fancy some of the applicants would not care to take the place if they knew what it was.'⁴⁸ Mr Alexander Taylor, a stranger to Sutherland, was finally chosen, and despite MacLean's fears, stayed in his post for years.

The final major change in the estate management before 1913 related directly to the 4th Duke. Like his father, the 4th Duke had started to spend a lot of time abroad from around 1907, mainly in Canada, where he was carrying out some major land purchases. In these early trips, he generally left the day-to-day running of the estates in MacLean's hands, but soon more permanent steps had to be taken.⁴⁹ In 1911, the Duke constituted a Board of Management, consisting of his son, Lord Stafford, and Mr Humbert and Mr Prowse, his personal secretaries, who were well versed in estate and financial affairs. The Sutherland factors were henceforth to

⁴⁴ NLS, Acc. 10225, Factor's Correspondence, 1504, Box to McIver, 3 Sept. 1895 and 400, MacLean to James Gordon, 1 Aug. 1895.

⁴⁵ NLS, Acc. 10225, Policy Papers, 110, MacLean to Duke, 13 Sept. 1905.

⁴⁶ NLS, Acc. 10225, Policy Papers, 110, MacLean to Duke, 13 Sept. 1905.

⁴⁷ NLS, Acc. 10853, Policy Papers, 55, Prowse [London Secretary] to Morrison, 9 Mar. 1911.

⁴⁸ NLS, Acc. 10225, Policy Papers, 112, MacLean to Duke, 1 Dec. 1906 and 13 Dec. 1906.

⁴⁹ NLS, Acc. 10853, Policy Papers, 52, Alex. Simpson [London Secretary] to MacLean, 28 Dec. 1907.

communicate with the Board and get their sanction for any action required.⁵⁰ This effectively gave the factors a very free hand, providing they did not spend more than their yearly estimates. MacLean wrote to the Duke on this change in management and warned that the situation in Sutherland was not a favourable one,

You have decided to hand over the entire control of your landed estates to a Board of Management. I most sincerely regret the reasons for your doing this, but the great burden and worries you must have had to bear in connection with the estates management and so many other matters has often been a wonder to me...I will of course at all times give the best assistance I can to the management. I fear times are uncertain[?] with land and crofter management and generally are not improving and difficulties are continually cropping up in connection with new Acts of Parliament etc., and the greatest care and [managers?] of practical experience will be needed.⁵¹

This Board of Management, like the one the 3rd Duke had instituted in 1889, had little opportunity to carry out its duties. By 1913 the Duke was dead and the Board was suspended while the 5th Duke took the reins of an estate very different in shape from that which his father had inherited in 1892.

⁵⁰ NLS, Acc. 10225, Policy Papers, 170, Duke to the Board of Management, 10 Apr. 1912.

⁵¹ NLS, Acc. 10225, Policy Papers, 119, MacLean to Duke, 20 May 1911.

'Is it Strathnaver no more?:' Syre, 1899-1911⁵²

Patrick Sellar, farmer grandson of the infamous factor and tenant of the Sutherland estate in the early nineteenth century was, by the 1880s, having difficulty holding onto the vast enterprises left to him by his father. Sheep farming was becoming a less profitable enterprise and, in 1887, Sellar was considering giving up the farms of Syre and Mudale, both in Strathnaver.⁵³ He was, however, able to keep hold of them for another ten years, thanks to a reduction in rent granted by the Duke, but by 1898, he was dead and his son was in no position to stay even at a further reduced rent.⁵⁴ As Box explained to the Duke, it was Sellar family finances that forced the parting, 'There was not much money left on his father's death a few years ago and what there was now has to be apportioned among the legatees. The stock must therefore be realised and Mr P. Sellar the present tenant will not possess nearly enough money to enable him to carry on the farm.'⁵⁵ It was an historic moment for both the Sellar family and the Sutherland estate: the Sellar family, for better or worse, was intimately linked to the Sutherland clearances of 1809-21, and aside from the ducal house itself, were seen as the main beneficiaries of them, tenanting wide acres in fertile areas such as Strathnaver ever since.⁵⁶ Box noted sombrely that, 'he [Sellar] will have to leave the place with which the name of Sellar has been so long connected,'⁵⁷ but there was little real sadness on the estate's part. The continuing presence of a Sellar as tenant had caused some bad publicity in the past, and kept alive in a very immediate way the clearances.⁵⁸ The *Highland News* crowed over the departure of Sellars from Strathnaver,

Among Highland Straths, Strathnaver holds the first place in respect of its extent, fertility as well as the ruthless manner in

⁵² *Highland News*, 8 Jul. 1899.

⁵³ NLS, Acc. 10225, Farms, 45, Brereton to Box, 23 Jan. 1887.

⁵⁴ NLS, Acc. 10225, Farms, 45, Brereton to Box, 21 May 1887; Factor's Correspondence, 1512, Box to Sellar, 17 May 1898.

⁵⁵ NLS, Acc. 10225, Factor's Correspondence, 1512, Box to Duke, 11 Jun. 1898.

⁵⁶ E. Richards, *Patrick Sellar and the Highland Clearances: homicide, eviction and the price of progress* (Edinburgh, 1999), 5, 120, 332-33, 361-62.

⁵⁷ NLS, Acc. 10225, Factor's Correspondence, 1512, Box to Duke, 11 Jun. 1898.

which its entire inhabitants were swept away in the second half of this century...Notwithstanding that Mr Patrick Sellar got possession of the immense lands of Strathnaver as well as the farms of Culmaily and Morvich, next year his descendants are to be quit of the county of Sutherland.⁵⁹

The farm of Syre was now available to any incoming tenant, and for the newly constituted CDB and its hopeful crofter constituency, it was an opportunity for, 'the estate management of Sutherland to do something practical to repair the mischief caused by the Management [sic] or rather mismanagement of a century ago.'⁶⁰ The CDB, led by Sir Kenneth Mackenzie, opened negotiations with the Duke on the possibility of giving land in Strathnaver to the crofters. The farm of Achnabourin, lying next to Syre, was offered first, but the sitting tenant there decided to retake the farm.⁶¹ The estate offered Syre farm, a substantial holding of 500 acres arable and 11,500 acres pasture, as a substitute and gave the CDB a twelve month option on it: Sir Kenneth was happy with this outcome, as it gave the CDB more time to consider Syre and what should be done with it.⁶²

The reason for the delay was the difficulty in deciding how exactly Syre should be disposed of. In 1898, Sir Arthur Orde, a landowner in North Uist, set a precedent by working with the CDB to give land to the crofters, not by selling it to the CDB, but by sharing the costs of subdividing two farms on his estate. This minimised the cost to the CDB, while allowing the crofters to remain tenants.⁶³ Sir Arthur was roundly praised for his actions: the *Highland News* urged, 'let him [the Duke] give the farm of Syre on the same terms as those on which, to his credit, Sir Arthur Orde gave his tenants.'⁶⁴ The CDB was also keen to come to the same terms with the Duke as they had with Sir Arthur, the secretary hoping the CDB could, 'induce the

⁵⁸ *Highland News*, 15 Dec. 1894 and Richards, *Patrick Sellar*, 366.

⁵⁹ *Highland News*, 4 Mar. 1899.

⁶⁰ *Highland News*, 4 Mar. 1899.

⁶¹ NAS, AF42/325, Wright to CDB, 14 Mar. 1899.

⁶² NAS, AF42/325, Mackenzie to rest of CDB, 15 Mar. 1899; NLS, Acc. 10225, Policy Papers, 159, Wright to Box, 6 Feb. 1899.

⁶³ PP1899 XXX, *First Report of the Congested Districts Board for Scotland*, 9.

⁶⁴ *Highland News*, 1 Apr. 1899.

Duke to “Orde” Syre into adequate holdings it would undoubtedly be better for the CDB in view of the funds at the Board’s disposal.’⁶⁵ Despite these hopes and the precedent set by Sir Arthur, the Duke refused to reconsider his offer: the CDB could purchase Syre from him and then do what they pleased with it, but he would not subdivide the farm while still the landowner. Other Highland proprietors, such as Lady Gordon Cathcart took a similar stance.⁶⁶ Sir Kenneth Mackenzie, an old correspondent of the estate, who had given advice on the 1884 Duke’s Memo scheme and the 1894 Crofters’ Purchase Scheme, made a last ditch attempt to convince the Duke to divide Syre himself, with assistance from the CDB,

You will see an account of a division of farms by Sir Arthur Orde into crofter’s holdings, which the Board assisted by advances...If the Duke should see his way to dividing Syre into £20 or £30 holdings with fixity of tenure, or something approaching it, I feel sure – speaking for myself – that the CDB would be disposed to consider very favourably any reasonable proposal for assistance in carrying out such a scheme.⁶⁷

Despite the offer of generous assistance, coming from a fellow landowner and trusted advisor, the Duke would not budge, ‘Private. The Duke will certainly not entertain the idea of breaking up the farms and dealing with them as Sir A. Orde has done but he will give every help to the CDB who have been appointed by the Govt. to deal with the subject, so far as he can do without materially reducing his revenue.’⁶⁸ The Duke maintained this stance despite the moral pressure put on him by the precedent of Sir Arthur Orde, and by the press.⁶⁹

⁶⁵ NAS, AF42/325, Minute by Sir R. MacGregor, 10 Feb. 1899 and AF42/365, Minute by Sir R. MacGregor, 1 Mar. 1899.

⁶⁶ Sir Kenneth also tried to persuade the Macdonald estates to voluntarily divide some of its land, but to no avail. See Armadale Castle, Macdonald MSS, 5710, Mackintosh, factor, to Sir Kenneth Mackenzie, 7 Feb. 1898.

⁶⁷ NAS, AF42/325, Mackenzie to Wright, 18 Feb. 1899.

⁶⁸ NLS, Acc. 10853, Policy Papers, 44, Wright to MacLean, 5 Apr. 1899. See also Acc. 10853, Policy Papers, 44, Wright to MacLean, 11 Apr. 1899; Acc. 10225, Policy Papers, 159, copy letter Duke to Wright, 22 Mar. 1899; NAS, AF42/325, Wright to CDB, 14 Mar. 1899.

⁶⁹ *Highland News*, 1 Apr. 1899, 8 Jul. 1899, 21 Oct. 1899 and 1 Dec. 1899.

In 1898, the Duke had put over 100,000 acres of land, mainly in the Tongue district, up for sale. For this purpose he had already disentailed the land, and it was these portions, or at least one of them, that he wished to sell.⁷⁰ But as MacLean pointed out, 'Of course the Congested Districts Board are not in a position to purchase such properties as we had set off in divisions last year, and I fancy would only go in for the best portions of sheep farms...such a sale and division might seriously affect the value of the surrounding lands, shootings etc.'⁷¹ The Duke, although willing to co-operate with the CDB, would only do so if it did not cost him a shilling. His factors were well aware of this and when discussing the possible selling price of Syre, suggested the Duke stick to his guns, 'For my own part, I do not see why you should sell any part of your estate below market value, whatever may be its purpose. Sir Kenneth talks of buying land in Ireland at 12 to 14 years' purchase. He certainly admits that Highland properties cannot be expected now at those prices, but in making up the valuations for the estate sale we have calculated such farms at 25 years' purchase.'⁷² The estate was clearly adamant on the point of selling, and selling at a price of its choosing. The idea of land purchase was a popular one among Highland landlords at this time, and its appeal for the Sutherland estate had been long standing, as can be seen in its Crofters' Purchase Scheme of 1894. The idea of selling the land to the CDB was even more appealing as then the government would take on the financial burden of setting up the crofters on new lands, which would be hefty and perhaps irretrievable, 'I also think the CDB can never make their proposal...pay. I am sure that the cost of creating these new holdings will prevent their becoming in any way a commercial success unless

⁷⁰ Land belonging to the Duke had to be disentailed, with the permission of his heir and the Court of Session, in order to be sold; a costly legal process which in theory was put in place to protect the integrity of landed estates from unscrupulous holders who might wish to sell or contract debt against the interests of their estate. See G. C. Cheshire and E. H. Burn (eds) *Modern Law of Real Property* (14th ed., London, 1988) 237-250; R. Campbell, 'On Land Tenure in Scotland and England,' *Law Quarterly Review*, 2 (1885), 103-105 and J. Habakkuk, *Marriage, Debt and the Estates System: English landownership, 1650-1950* (Oxford, 1994), 6.

⁷¹ NLS, Acc. 10225, Factor's Correspondence, 410, MacLean to Duke, 11 Jan. 1898.

⁷² NLS, Acc. 10225, Factor's Correspondence, 1511, Box to Duke, 28 Feb. 1898. See also Crofters, H/c, MacLean to Sir Kenneth Mackenzie, 11 Jan. 1898, Sir Kenneth Mackenzie to Wright, 14 Feb. 1898 and Wright to Sir Kenneth Mackenzie, 9 Jun. 1898.

a large proportion of the government money be expended.'⁷³ Negotiations for Syre would rumble on for another year, precisely over this issue of cost.

Rumour of a scheme in Strathnaver quickly took hold in Sutherland and the rest of the Highlands, and expressions of support came into the CDB offices from Sutherland County Council, a local minister, the press and the crofters themselves in the form of petitions for holdings.⁷⁴ The factors commented on the excitement of the people over the issue, 'Things are pretty quiet among the crofters at present, except for the simmering agitation about Strathnaver.'⁷⁵ The CDB and estate were now under even more pressure to make a deal on Syre, but there was a problem: the sale price. The initial hope in the CDB that the Duke would do as Sir Arthur Orde had was quickly quashed, and some feared the CDB could not afford to buy, 'As a matter of purchase, it is to be feared Syre is too big a thing.'⁷⁶ The farm was to be sold at a so far unspecified number of years' purchase, anywhere between twenty-five to forty-six years, but the annual rental had to be agreed first. Although the farm had not been advertised when Sellar gave it up, the estate had had a number of offers for it anyway. Sellar's rent had been £620 per annum but the estate had received offers as low as £400.⁷⁷ This put the CDB on its guard; after all, it did not want to pay any more than was absolutely necessary for Syre, if it bought the farm at all. There was also the question of the farm stock, which the estate wanted to sell to the CDB, just as they would to any incoming purchaser. The CDB proposed to then sell the stock on to the crofter-purchasers, but, as resolutions from crofters' meetings in the area made clear, the potential applicants feared they could not afford this condition.⁷⁸ The CDB found itself between a rock and a hard place: on the one hand, they had to meet the Duke's terms or they would lose the farm

⁷³ NLS, Acc. 10225, Factor's Correspondence, 1511, Box to Duke, 28 Feb. 1898.

⁷⁴ NAS, AF42/365, Sutherland County Council to CDB, 3 Apr. 1899; AF42/349, cutting from *Scotsman*, 10 Mar. 1899; AF42/448, John Campbell, Skye to CDB, 28 Sept. 1899; AF42/454, cuttings from *Scotsman*, *Highland News* and *Northern Ensign*; AF42/457, Rev. Sutherland to CDB, 19 Oct. 1899.

⁷⁵ NLS, Acc. 10225, Factor's Correspondence, 1514, Box to Duke, 6 Mar. 1899. See also 1514, Box to Duke, 6 Feb. 1899 and Box to Wright, 18 Feb. 1899.

⁷⁶ NAS, AF42/341, Minute by Mr MacGregor, 3 Mar. 1899.

⁷⁷ NLS, Acc. 10225, Factor's Correspondence, 1514, Box to Lord Balfour of Burleigh, Secretary for Scotland, 27 Mar. 1899.

⁷⁸ NAS, AF42/462, Resolutions passed in regard to Syre by crofters of Farr, Skerray and Melness, 27 Oct. 1899.

altogether, and on the other the terms meant that the potential crofter-purchasers could not afford to take the land offered. The Secretary for Scotland, Lord Balfour of Burleigh, made it clear where he stood,

The most serious of these [issues] is the “stock at valuation” question. This arises out of the evil heritage of a system for which we are not responsible but for which we are likely to suffer. We cannot on such a point go back to the Duke. We must therefore consider whether we shall let our scheme go by the board on such a point or side issue after all, or whether we shall take the stock at a valuation and re-sell on some other terms. I do not hesitate to give my voice for this – trusting that even if we do lose, as we must, that the “disastrous fall” will do something for us even on the vicious system of valuation, and that the loss will be regarded as justifiable for the sake of the experiment.⁷⁹

Lord Balfour of Burleigh was clear: the CDB would almost certainly make a loss on Syre, but that loss was worth the money because it would set a precedent and the savaging in the press and Parliament the CDB would certainly receive if it failed to acquire Syre, set in historic Strathnaver, would be avoided. The *Highland News* was behind the scheme, and frequent editorials expounding on the sad and unjust history of Strathnaver added to the pressure on the CDB.⁸⁰ Despite all this effort, the negotiations for Syre collapsed in February 1900, just after the death of Sir Kenneth Mackenzie.⁸¹ Lord Balfour put the failure down to,

Perhaps a feeling that the price of the land was high...I am of opinion that the chief difficulty in the way is to be traced to the

⁷⁹ NAS, AF42/462, Minute by Lord Balfour, no date [between 14 Nov.-5 Dec. 1899]. The “stock at valuation” question concerned the value of sheep on a farm at a change of lease or sale, and whether that valuation should (as it usually did) include the acclimatisation value of that stock, a fairly subjective value that could wildly increase the amount to be paid. See Orr, *Deer Forests*, 18.

⁸⁰ *Highland News*, 3 Jun. 1899, 8 Jul. 1899, 16 Sept. 1899, 21 Oct. 1899.

⁸¹ NAS, AF42/530, Memo by Lord Balfour to the rest of the CDB, 23 Feb. 1900.

want of means on the part of the applicants and the consequent inability to stock the holdings...I am not without a suspicion that a dislike to the policy of purchase on the part of some prominent persons in the district contributed to the failure...It is not a matter of principle but of expediency so far as I am concerned.⁸²

The Sutherland estate was not entirely surprised by this turn of events, but were concerned for the future, 'The moment the CD Board gives up your offer and retires from the Strath we may expect strong and persistent appeals from the people for your Grace to undertake some scheme yourself by which the descendants of the people removed from the Strath long ago may be restored to it.'⁸³ The press were furious, blaming the conditions of the scheme for the lack of enthusiasm among potential applicants and pinning these conditions firmly onto the Duke.⁸⁴ Not all was lost at this stage, however, as the Duke granted the CDB another year to consider the Syre proposals.⁸⁵

This the CDB did, focussing its attentions on the potential applicants for holdings rather than the Sutherland estate management, as they were an important reason the negotiations had failed. The CDB was proposing to transfer the sale price of the land to the applicants for holdings: they would no longer be crofters under the meaning of the 1886 Act, but owner-occupiers, paying off their purchase price and paying the additional taxes of an owner. The CDB agreed that the main obstacle to this plan was the lack of means of the applicants, for both stock and the repayment of the selling price. Each applicant would have to have capital to pay for these which was of course impossible for most applicants, who were mainly landless cottars, labourers or fishermen, without any savings at all, never mind hundreds of pounds to spare.⁸⁶ One correspondent pointed out that, 'Practically there is little use in looking for applicants in Sutherland who are in command of as much [estimated

⁸² NAS, AF42/530, Memo by Lord Balfour to the rest of the CDB, 23 Feb. 1900.

⁸³ NLS, Acc. 10225, Factor's Correspondence, 1517, Box to Duke, 9 Feb. 1900.

⁸⁴ *Highland News*, 3 Mar. 1900.

⁸⁵ NAS, AF42/530, Memo by Lord Balfour, 23 Feb. 1900 and NLS, Acc. 10225, Factor's Correspondence, 1517, Box to Duke, 8 Mar. 1900.

⁸⁶ NAS, AF42/567, Lord Balfour to MacGregor, 19 Apr. 1900.

capital: £355]. If they were, they would not require to remove.'⁸⁷ At the end of June 1900, the CDB held meetings in Tongue with crofters to discuss conditions for Syre. The crofters, in a previous meeting, had resolved that the purchase price of Syre, which they would have to carry, should be reduced to seventeen years' purchase and that the applicants should not be required to purchase the existing sheep stock if they could or did not want to.⁸⁸ When the CDB reopened negotiations with the Duke the next month, they made it clear that the stock issue would not affect him: the CDB was prepared to buy the stock and dispose of it how they could, in order that the sale could go ahead.⁸⁹ The price of the land remained the sticking point. Lord Balfour pointed out that the crofter-purchasers felt they could not make a living out of Syre if it was sold at the proposed price of £10,546. 10/- and told the Duke,

From our previous correspondence and conversation I am led to believe that you take an interest in the success of the experiment proposed apart from its purely economic aspect and I am therefore emboldened to put the whole circumstances before you and ask whether you are open to reconsider the question of price. I do this with some reluctance and in grateful acknowledgement of the kind and generous way in which you have met the wishes of the Board and sympathised with our desire to test by practical experiment whether a class of small holdings can be established in the districts of the Highlands with which you are specially interested.⁹⁰

Despite Lord Balfour's flattery and pleas, the Duke refused to budge on the sale price of Syre. The Duke argued that a market price should be paid for the land, in

⁸⁷ NAS, AF42/527, John MacKay to the CDB, 9 Feb. 1900. See also, AF42/555, Angus Gunn, crofter, Talmine to CDB, 26 Mar. 1900.

⁸⁸ NAS, AF42/584, Minutes of a meeting with crofters at Bettyhill, 18 May 1900, forwarded 22 May 1900.

⁸⁹ NAS, AF42/633, Lord Balfour to Duke, 27 Jul. 1900.

⁹⁰ NAS, AF42/633, Lord Balfour to Duke, 27 Jul. 1900.

the interests of his son and heir, whose Trustees had agreed to the higher price and because the Disentail had already been completed.⁹¹ The Duke laid out the situation to Lord Balfour,

My view of the price to be paid is that the C.D.B. should pay the fair market price, and then, if the applicants or crofters cannot give as much, that the latter should have the land from the C.D.B. at such a price as they can afford. In other words the C.D.B. would be the losers, not the private owner. I cannot imagine that it was ever intended that a landowner should have to give up land at a price below its known value for an experiment of this sort, which in its present form will do nobody any good. In fact, if the crofters are to be moved and settled on new lands, the expense and responsibility must be taken by the Government, through the C.D.B. and the Crofters Commission, and I think that now this is perfectly understood.⁹²

The Duke utterly rejected the idea that he should lose by his transactions with the CDB: he believed that land purchase was the way to deal with the poor crofters, but after the failure of his 1894 Crofters Purchase Scheme, he wanted the burden to be carried by the government. Faced with this inflexibility, the CDB discussed land purchase as a principle, alongside the vital interconnected issue of crofter migration to new lands, 'Whether the CDB should not now buy or secure the option (if possible) of buying a large and suitable piece of land outside the Congested area = lot it out into holdings of various sizes and offer it for sale to people in the CD who are willing to migrate.'⁹³ This was, of course, essentially what the CDB was trying to do in Syre: Strathnaver was, eighty years after the clearances, outside the congested coastal areas, and applicants would have to give up their existing crofts

⁹¹ NLS, Acc. 10225, Factor's Correspondence, 1518, Box to Duke, 29 Aug. 1900; 1519, Box to Duke, 20 Sept. 1900; NAS, AF42/633, Duke to Lord Balfour, 3 Sept. 1900 and 22 Sept. 1900.

⁹² NAS, AF42/633, Duke to Lord Balfour, 22 Sept. 1900.

and migrate to take the holdings. The CDB were concerned about this plan for two reasons. First, they needed a guarantee that the estate from which the migrating crofters came from would take the land given up and give it to neighbouring crofters and second, there was concern over whether crofters would migrate at all, 'It has to be kept in view that there is a prevailing opinion[?] among crofters and cottars to get land where they dwell.'⁹⁴ This had certainly caused problems for the 4th Duke in his Crofters Purchase Scheme and would be part of Syre's problems in the future.

Shortly after this internal debate, the CDB finally purchased Syre from the Duke for the price of £10,546. 10/- , a price that included the shootings on the farm which would be let out, the income covering part of the new crofter-purchasers' annuity.⁹⁵ Mr MacGregor wrote quietly in a minute, 'This is gratifying:' something of an understatement after three years of negotiations.⁹⁶ The next step for the CDB was to advertise for and choose the crofter-purchasers who would be planted in Strathnaver. During the negotiations, the CDB had made it clear that they wanted to create small farms worth £20 or £30 rent per annum, rather than tiny plots, so that the purchasers could make their living entirely from their crofts, which they were not able to do in the coastal areas.⁹⁷ This plan had obvious disadvantages, however; the larger the holdings, the more capital the applicants would need for the purchase annuity and for stocking and buildings. Box was sceptical about the uptake for these large holdings,

The general run of crofters and cottars have got it fairly into their minds that the CD Board are to repeople Strathnaver without cost to the migrants: that, in fact, everything is to be done for them free...How would it do for the CD Board in the first instance, to

⁹³ NAS, AF42/735, Note by MacGregor on letter from Lord Balfour, 15 Jan. 1901. The, 'congested area,' referred to those parishes officially designated such by the CDB.

⁹⁴ NAS, AF42/735, Minute by Sheriff Brand, Chairman of the Crofters Commission, 19 Jan. 1901.

⁹⁵ NAS, AF42/795, Conditions of Purchase for Syre, 20 Feb. 1901; AF42/862, Legal documents of Sale of Syre, 1901; NLS, Acc. 10225, Policy Papers, 161, Alex. Simpson to Box, 28 Feb. 1901 and Prowse to Box, 10 Apr. 1901. The price represented 17 years' purchase and worked out to less than £1 per acre.

⁹⁶ NAS, AF42/795, Minute by MacGregor, 2 Mar. 1901.

offer the land in the smallest possible self-supporting areas. This would at any rate make their action more popular, and then, if the requisite numbers do not come forward, to revert to the large holding scheme.⁹⁸

As Box predicted, this is what came about; there was no demand for the large holdings on Syre, because most of the applicants were poor cottars or crofters from the coasts, without the requisite capital.⁹⁹ They did not come forward for the large lots, but when the CDB advertised smaller lots, numbering twenty-nine, they were all filled.¹⁰⁰ The CDB attempted some quality control over the potential crofter-purchasers by forwarding their names to the estate for their opinion. Most were listed as having little or no means and others, in the opinion of the estate, were better off staying where they were, 'No. 14 Alex. Graham about 40 years of age and has some children. He has a croft and is the manager of the Naver salmon fishery...He is very well off where he is.'¹⁰¹ This captured the fundamental problem the CDB had at Syre: it wanted to create a class of small farmers who would be able to support themselves on the land, but the crofters and cottars on the coasts did not have the means to match these expectations. Those better off crofters the CDB wanted to attract, the estate wished to keep; they were happy to see penniless crofters moved to Syre, as they paid little or no rent to the estate anyway. The CDB needed the Syre experiment to be a success; after all, they were answerable to Parliament and the public in a way the Sutherland estate was not, and they needed crofters with some capital to guarantee a better chance of success. This was not possible if all the lots were to be filled and the CDB caved in and nearly doubled

⁹⁷ NLS, Acc. 10225, Factor's Correspondence, 1515, Box to Wright, 24 May 1899.

⁹⁸ NLS, Acc. 10225, Factor's Correspondence, 1515, Box to Wright, 17 Jun. 1899. See also Acc. 10225, Policy Papers, 159, Wright to Box, 14 Jun. 1899.

⁹⁹ *Northern Times*, 15 Mar. and 22 Mar. 1900.

¹⁰⁰ NLS, Acc. 10225, Factor's Correspondence, 1520, Box to Duke, 25 Feb. 1901.

¹⁰¹ NLS, Acc. 10225, Factor's Correspondence, 1520, Box to CDB, 19 Feb. 1901. See also Factor's Correspondence, 1516, Box to Sir Kenneth Mackenzie for CDB, 2 Sept. 1899; 1518, Box to Duke, 10 Jul. 1900; 1521, Box to Duke, 31 May 1901.

the number of lots available to twenty-nine, of 16-20 acres each.¹⁰² This table shows the names and annuities of the settlers, including their building loans:

¹⁰² NAS, AF42/912, List of holdings and applicants intended for each, 1901. See also L. Leneman, *Fit for Heroes? Land settlement in Scotland after World War One* (Aberdeen, 1989), 55.

No. of Holding	Names of settler	Price of holding £	Building Loan £	Total annuity due £
1 and 2	E. M. MacKay	618.6.0	285	133.5.3
3	R. MacKay	307.16.0	200	74.9.10
4	A. Munro	307.16.0	150	63.12.3
5	A. Graham	604.16.0	213.19.3	119.11.11
6	J. MacKay	288.18.0	60	36.10.8
7	H. MacKay	297	200	73.12.8
8	G. and J. MacKay	302.8.0	300	54.18.0
9	D. MacLeod	315.18.0	200	76.8.8
10	J. Sutherland	615.12.0	311	97.14.10
11	A. MacLeod	309.3.0	130	65.1.4
12	R. MacKay	295.13.0	90	54.18.2
13 and 14	A. MacKay	625.1.0	300	118.8.9
15	M. MacLeod	270	65	47.4.6
16	A. MacKay	780.12.0	60	121.4.1
17	H. Mackenzie	309.3.0	150	68.0.6.
18	A. Gunn	309.3.0	150	68.0.7
19 and 20	N. O'Brien	618.6.0	100	105.13.6
21 and 22	D. J. MacKay	615.12.0	285	130.16.9
23 and 24	W. MacKay	604.16.0	250	118.9.10
25	D. Macdonald	295.13.0	149.14.0	63.4.1
26	Shooting Lodge (joint)	564.1.5	0	20.17.10

27	H. MacKay	308.13.8	0	11.8.8
28	D. MacKay	598.1.0	260	119.14.2
29	W. Christholm	625.1.0	250	127.15.8

Table 3: Syre settlers, annuities¹⁰³

The crofter-purchasers were given loans from between £150 to £300 each from the CDB to build their houses and byres, which they would pay back to the CDB on top of their purchase annuity. This was paid in twice-yearly instalments, just as their rent as crofters had been, and worked out to anything between £30 and £130 per year, per settler, a huge increase for some, who may have only paid £2 nominal rent in their old crofts.¹⁰⁴ On top of these burdens, the new settlers were also liable for increased rates of tax, now that they were proprietors rather than tenants. The total tax bill for Syre came in at £100 per annum, split between the settlers.¹⁰⁵ From these figures, it is clear that the Syre settlers were going to have to work very hard and hope for extremely favourable economic circumstances to be able to meet their obligations to the CDB. The CDB itself was determined that Syre would pay its own way, but some sections of the press were not sanguine about the success of the project,

How, it may be asked, could the Board, with the knowledge they have of the people's circumstances, propose conditions which they must have well known could never be met by the people whom they intended to benefit? In offering land on these impossible conditions there was grave danger that the strong desire that exists to acquire land might induce a sufficient number

¹⁰³ NAS, AF42/3791: From 'Statement of indebtedness of Syre settlers in respect of annuities for purchase price and building loans,' 31 Oct. 1906.

¹⁰⁴ NAS, AF42/3784, List of settlers with amounts due by them, 7 Mar. 1907.

¹⁰⁵ NAS, AF42/3612, Syre rate collection, 6 Dec. 1906.

of applicants to enter into the proposed arrangements with the certain result, that in the course of a few years the experiment would turn out a complete failure.¹⁰⁶

Difficulties at Syre began to emerge only months after the settlers officially took up residence in the Strath in September 1901.¹⁰⁷ In November, the CDB received its first letter of complaint from the Syre settlers, asking for the Board to double the period of payment of the purchase annuity, effectively halving the yearly payments. The settlers explained that, 'We find that when all the expenses are considered that the yearly burden is to be very heavy and that in the present state of agricultural depression the produce of the holdings can hardly warrant it...we have no source of income while getting the places into working order.'¹⁰⁸ The settlers, who had celebrated laying the foundation stone of the first building in the Strath only two months earlier, were now facing the shocking reality of their first bill from the CDB, at a time when the holdings were in complete disarray. Hardly anything was built, no crops had been put down and finding short-term alternative employment was impossible in a deserted strath miles from the populated coasts. The settlers also asked for the first three years' annuity to be lifted to give them a fighting chance to set up their holdings, but both this and the request for the payment period to be extended was refused.¹⁰⁹ In fairness, the CDB was limited in its financial dealings by the Treasury, which would not allow an extension of the payment period, but it also had unrealistic expectations of the settlers. One of the Board, disappointed by the difficulties emerging so soon wrote, 'The Board have laid the foundation of this and future troubles at the very outset by paying too much for their whistle! But as the Board are now committed to the scheme they must make the best they can of it.'¹¹⁰ It was not a propitious beginning.

¹⁰⁶ *Highland News*, 3 Mar. 1900.

¹⁰⁷ *Highland News*, 7 Sept. 1901.

¹⁰⁸ NAS, AF42/1016, Syre settlers to CDB, 7 Nov. 1901.

¹⁰⁹ NAS, AF42/1016, CDB to Syre settlers, 20 Dec. 1901.

¹¹⁰ NAS, AF42/1016, Minute by William Mackenzie, 27 Nov. 1901.

More requests followed this, first for more money on loan for buildings, then for seed oats and potatoes and finally for fencing.¹¹¹ The CDB agreed to most of these requests, but added the balance to the Syre settlers' accounts for them to pay off over the years. This created some concern among the CDB, which recognised the risk of the settlers overburdening themselves. Angus Sutherland, then Chairman of the Fishery Board for Scotland and a member of the CDB, pointed out that, 'This is a matter which must be decided on the grounds of policy and chiefly with reference to our future relations with these men. I have an idea that they are alive to the impolicy of unduly burdening themselves in view of their obligations and would not desire to do so except under the pressure of necessity.'¹¹² The financial burdens of the Syre settlers would be a running sore for many years.¹¹³

The Syre settlers had other complaints as well; a long-running grievance against the CDB stemmed from both the area and quality of land some of the settlers had received. Some maintained that their crofts were up to two acres smaller than had been promised, and others had recurring problems with flooding and erosion from the river Naver.¹¹⁴ The frustration of the settlers was shatteringly clear, 'I regret to inform your Honourable Board that the crop is to be a failure this year again and to crown matters, the river yesterday has flooded over the most of my holding and destroyed anything that has grown...There is not even value on my holding for the rates I have to pay besides rent and interest etc. Things are at present it is impossible to meet the Board's demands [sic].'¹¹⁵ This sense of frustration, and even desperation, characterises much of the correspondence from the Syre settlers to the CDB through the history of the settlement. Occasionally, this led to a settler renouncing his croft and leaving the settlement entirely. Two settlers did so, both

¹¹¹ NAS, AF42/1060, Syre settlers to CDB, Jan. 1902; AF42/1137, Syre Holdings Committee to CDB, 3 Mar. 1902; AF42/1296, As to fencing of Syre common grazing, 7 Jul. 1902.

¹¹² NAS, AF42/1060, Minute by Angus Sutherland, 22 Jan. 1902.

¹¹³ NAS, AF42/1672, Syre settlers to CDB, 11 May 1903 and CDB to Syre settlers, 16 Jun. 1903; AF42/1848, Syre settlers (individually) to CDB, Dec. 1903; AF42/2482, Report on Syre by Angus Mackintosh, farm manager for CDB, Apr. 1905; AF42/2708, Question in Parliament on Syre settlers' failure to meet obligations, 1905.

¹¹⁴ NAS, AF42/926, Colin McIver, Syre settler to CDB, 24 Jul. 1901; AF42/1245, Robert MacKay, Syre settler to CDB, 13 May 1902; AF42/1375, Robert MacKay to CDB, 30 Sept. 1902; AF42/3192, Petition from Syre settlers to A. C. Morton M.P., 28 Mar. 1906.

¹¹⁵ NAS, AF42/1717, D. MacLeod, Syre settler to CDB, 6 Jul. 1903.

for the same reasons: they could not make the place pay, 'I find I cannot pay my way as the place is not worth. This is my third year here and I am not able to keep a cow and horse on the years croft [sic].'¹¹⁶

Apart from two settlers, all stayed, but as the years passed, all found themselves in arrears to the CDB to a greater or lesser extent, as this table shows:¹¹⁷

¹¹⁶ NAS, AF42/2825, Donald Macdonald to CDB, 3 Nov. 1905. See also, AF42/3684, CDB to Alex. Graham, 11 Mar. 1907 and AF42/4221, Donald Macdonald to CDB, 22 Nov. 1907.

¹¹⁷ NAS, AF42/3784, A. Mackintosh to CDB, list of Syre arrears, 7 May 1907.

No. of Holding	Arrears in 1907 £
1 and 2	49.16.11
3	27.11.3
4	16.3.8
5	51.11.9
6 and 8	16.9.0
7	12.5.6
9	37.6.9
10	14.10.4
11	25.19.10
12	8.12.5
13 and 14	8.12.5
15	17.1.1
16	25.2.10
17	16.8.1
18	3.8.5
19 and 20	9.8.5
21 and 22	51.18.5
23 and 24	20.5.7
25	19.8.6
27	19.8.6
28	5.9.7

In 1907, the CDB sent out a threatening letter to the settlers to warn them that the accumulation of arrears could not continue, but this had little effect.¹¹⁸ Ironically, the CDB was facing a problem familiar to the Sutherland estate as rent payments dried up. This put the CDB into a position of conflict with the settlers and tactics reminiscent of those used by the hated Sutherland factors started to creep

¹¹⁸ NAS, AF42/3784, CDB to Syre settlers, 26 Mar. 1907.

into their minutes, 'I would not be inclined to send the [arrears] warning to so many [settlers] at one time, it would put too many "in the same boat" so as to say. The six I have marked with XX in blue are the greatest defaulters. If you write to them I anticipate that the others will get alarmed and make an effort to pay up.'¹¹⁹ For their part, the settlers replied that they could not pay because their crofts were either failing entirely or not making enough to meet their obligations.¹²⁰

In 1908, the dissatisfaction of the Syre settlers came to a head. They were struggling to make ends meet; indeed, they were failing to do so, and the whole experiment had soured. To make things worse for the settlers, a new Small Landholders Bill was being debated clause by clause in Parliament, one that would potentially grant further benefits to crofter tenants.¹²¹ The Syre settlers wrote a petition to the CDB, listing the problems they had faced as purchasers in the Strath, 'the limited area of each individual holding, the high purchase price, and as a sequence the unbearable annuity payable to the Board...and also for erecting necessary buildings on each holding, rates as owners and occupiers, proportion of stipend...combined with loss of stock and unrenumerative crops.'¹²² They made it clear that the only solution to this hopeless situation was to be allowed to revert back to tenants, 'That your petitioners can entertain no hope of being successful in their holdings unless they are included in the number of those who are to come under the scope of the Small Holdings (Scotland) Bill.'¹²³ It is not clear what they thought the Small Landholders Bill would do for their immediate financial situation, but it is evident that they wished, after seven years, to become tenants again.¹²⁴ It is not surprising that this should be the case. As owners they had to pay more taxes, had far less security on their crofts if they failed financially and they

¹¹⁹ NAS, AF42/3784, Minute by Angus Mackintosh, 22 Mar. 1907.

¹²⁰ NAS, AF42/3856, Murdo MacLeod, Syre settler to CDB, 12 Apr. 1907; AF42/8597, Report by Angus Mackintosh to CDB, 28 Jun. 1911.

¹²¹ E. A. Cameron, 'Politics, Ideology and the Highland land issue,' *Scottish Historical Review*, 72 (1993), 70.

¹²² NAS, AF42/4401, Syre settlers to CDB, 1 Jan. 1908.

¹²³ NAS, AF42/4401, Syre settlers to CDB, 1 Jan. 1908.

¹²⁴ Peter Keith, factor on the Ulbster estates, identified this flaw in the Board of Agriculture for Scotland's plans for land under his jurisdiction: see Ulbster estate MSS, Factor's Letterbook 1909-11, Keith to Sir Tollemache, 10 Jan. 1911. See also J. Hunter, *The Making of the Crofting Community* (Edinburgh, 1976), 185-86.

could not extend their holdings, which they complained were too small to be able to meet the demands of the CDB. This must have seemed ironic to the CDB, who had reluctantly curbed the larger size of the original holdings because the local crofters did not have the means to take them. The CDB denied this request with a reminder that the settlers had made their bed and should now lie in it quietly, 'I am directed by the Board to point out that the Board offered for sale – and the purchasers, of their own free will, agreed to buy – their holdings after all the circumstances and conditions were fully and carefully disclosed to them.'¹²⁵

The long-term future of Syre was not examined again until 1911, the year the CDB was wound up to be replaced by the Board of Agriculture for Scotland. Conditions on the Syre settlement had not improved since 1908, and the settlers were falling further into arrear with the CDB. This time, the CDB approached the Syre settlers and gave them a choice; they could submit to a revaluation of their crofts with the possibility of a lower annuity to pay, or they could relinquish their ownership of the holdings and become rent-paying tenants of the Board.¹²⁶ The answer of the Syre settlers was speedy and unanimous; they would become tenants, as long as fair terms for the building loans could be reached.¹²⁷ To thrash out these details, a process Lord Pentland, Secretary for Scotland, dubbed, 'as bad as the House of Commons,' a meeting was held in Syre between six members of the CDB, including Lord Pentland, and the settlers.¹²⁸ The meeting discussed what was to become of the outstanding debts from the building loans, Lord Pentland making it clear that, 'The Board...are just the servants of the public in this matter. We cannot just do exactly what we like. We are apt to be very much criticised in Parliament. We are hauled over the coals in the House of Commons and therefore, we have our masters in the matter.'¹²⁹ Lord Pentland was trying to make the settlers agree to pay

¹²⁵ NAS, AF42/4401, CDB to Syre settlers, 1 Jun. 1908.

¹²⁶ NAS, AF42/8836, CDB to Syre settlers, 26 Sept. 1911; see also Cameron, *Land for the People*, 96.

¹²⁷ NAS, AF42/8888, Syre settlers to CDB, 6 Oct. 1911.

¹²⁸ NAS, AF42/8924, Minutes of meeting between CDB and Syre settlers, 13 Oct. 1911, Lord Pentland. Lord Pentland also travelled to Uig, Skye, to thrash out a similar local difficulty. See Lady Pentland, *The Right Honourable John Sinclair, Lord Pentland, G. C. S. I.: A Memoir* (London, 1928), 110.

¹²⁹ NAS, AF42/8924, Minutes of meeting between CDB and Syre settlers, 13 Oct. 1911, Lord Pentland.

off their building loans, but the settlers were not happy with this idea. As one put it, 'The building loan, my Lord, is the trouble that confronts us. When a man has to pay from £8 to £10 as an annuity on a building loan, and then a rent for the land along with that, the holdings – at least the most of them – are not worth it. At any rate, they don't compare favourably with the rent that crofters pay in other parts of this county.'¹³⁰ The goal of the Syre settlers was to become equals again with their crofter brethren in the county, with the same rights and outgoings. Lord Pentland held out for a while, 'If people borrow money they ought to pay it up. That is what the people in Parliament tell me,' but eventually the CDB agreed to cancel some of the debt in order to reach a quick and amicable agreement.¹³¹

The Syre experiment encapsulates the problems faced by the CDB when trying to meet its obligations in finding land for the crofters. The 4th Duke, like most Highland landlords, refused to see farms broken up on his estate while he was still the owner, and the CDB had to purchase land before it could be given to crofters. This put financial pressure on the CDB, which toiled under a very limited budget, and so in Syre they tried to break even by placing the burden of the purchase price and the costs of setting up on the settlers themselves, by making them purchasers from the CDB.¹³² This led almost inevitably to failure, as those crofters or cottars most attracted by the promise of land were exactly those who could not possibly afford these heavy financial burdens. As a result, it was mainly well-to-do crofters who took the crofts at Syre, who perhaps needed help less than the landless cottars crammed around the north and west coasts of Sutherland, and even those crofters struggled to make ends meet. The Syre experiment collapsed because it not only failed to meet the demands of the landless cottars of Sutherland for holdings, but also failed to improve the living standards of those crofters who risked change and chose to become landowners.

¹³⁰ NAS, AF42/8924, Minutes of meeting between CDB and Syre settlers, 13 Oct. 1911, Mr John Sutherland.

¹³¹ NAS, AF42/8924, Minutes of meeting between CDB and Syre settlers, 13 Oct. 1911, Lord Pentland; AF42/9324, Schedule for Agreement with Syre settlers, 29 Feb. 1912.

¹³² These problems were common to all CDB purchases: see Cameron, 'Politics and Ideology,' 69 and J. Brown, 'Scottish and English Land legislation, 1903-11,' *Scottish Historical Review*, 47 (1968), 73.

'Get the farm for the people and make the Congested Districts Board help:'
Melness, 1911-1912¹³³

Just as the Syre experiment was in the process of being wound up by the CDB, the 4th Duke approached them with a new scheme for Sutherland, this time on the farm of Melness on the north coast. The farm's lease was coming to an end in 1912 and the tenants were not going to renew it.¹³⁴ The Duke, in a surprising volte face, wrote to the CDB for assistance in breaking up the farm himself, in the mould of Sir Arthur Orde,

I am prepared to negotiate with the Congested Districts Board with the view of breaking up the farm into small holdings, and am of opinion that, with the aid of the Board, suitable tenants can be got in the Melness district to take up fair sized holdings on the farm, and thus set free land in the more congested parts of Melness for enlargement of existing holdings.¹³⁵

The Duke did not go into any details in his introductory letter, but the estate management had a scheme in mind for the farm, which included the creation of some entirely new holdings, and the extension of pasture ground for some neighbouring townships.¹³⁶ The estate was looking for a quick decision from the CDB, as the lease would expire only a few months from the date of their offer, and they did not want to lose money by taking the farm's sheep stock in hand.¹³⁷ At the estate's invitation, two CDB inspectors went to Melness, including Mr Angus Mackintosh, the Syre farm manager, and there they inspected the ground and met with the factor, Col. Morrison. Their report was not especially favourable, 'The farm is not a subject that, apart from special considerations, would appeal to us as a

¹³³ NLS, Acc. 10225, Crofters, C/a, Duchess to Macaulay, 23 Nov. 1911.

¹³⁴ NAS, AF42/8563, Duke to CDB, 14 Jun. 1911.

¹³⁵ NAS, AF42/8563, Duke to CDB, 14 Jun. 1911.

¹³⁶ NLS, Acc. 10225, Factor's Correspondence, 1545, Morrison to Macaulay, 29 May 1911.

¹³⁷ NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to CDB, 16 Sept. 1911 and 7 Oct. 1911.

suitable one for the formation of small holdings, but the land is similar to much of what is under crofters in the north and west of Sutherland, and it is the only land available for the crofters of the Melness district which is largely congested.'¹³⁸ This sums up the problem faced by the CDB, and by its successor, the Board of Agriculture for Scotland, in Sutherland. The crofters were desperate for more land, but government experts considered the land too poor to be successfully settled, while acknowledging at the same time that there was no better land locally, and that migration was not a popular policy with crofters. Lord Pentland and other members of the CDB held a meeting with Morrison in Bettyhill about Melness soon after this report was handed to them. Lord Pentland pointed out that although the Duke had offered the farm to the CDB, they had received no application from the crofters. Morrison replied,

I frankly gave them all the information I had including the discussion between the Duchess and the crofters, and after a lot of talk told His Lordship that I thought the crofters were evidently waiting for the passing of the Small Landholders Bill, and that then they expected to get everything they wanted. To this Lord Pentland replied that they would not get everything, but that it might be better to put off Melness till next year.¹³⁹

With the results of this meeting firmly in mind, the CDB decided not to take up the scheme, writing to the Duke that, 'there is not sufficient substance in this proposal for the Board to entertain it. It can therefore be wound up.'¹⁴⁰ The CDB had seen no hard evidence that the crofters even wanted the farm, and as they were coming to the end of their tenure, they decided against taking up such a complex scheme. This rejection had a most unexpected effect on the Sutherland estate management. It was furious at the rebuff, calling it, 'far from satisfactory,' and determined to get, 'a

¹³⁸ NAS, AF42/8857, Report by Mr McIntyre and Mr Mackintosh on Melness, 25 Sept. 1911.

¹³⁹ NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to Macaulay, 14 Oct. 1911.

¹⁴⁰ NAS, AF42/8857, Minute by Lord Pentland, 25 Oct. 1911 and CDB to Morrison, 27 Oct. 1911.

definite answer from the Board.¹⁴¹ Morrison wrote to the CDB, demanding a clear answer why they had refused to consider the scheme or come up with an alternative scheme of their own.¹⁴² He had a guess, however: 'Neither Lord Pentland or the CD Board were in sympathy with the scheme for reasons which we know and now they are sheltering themselves behind the want of proper formalities.'¹⁴³ The estate thought that the scheme had been rejected because the CDB was coming to an end, and there may have been some truth in this. The CDB had written in its annual report as long ago as 1907 that as the Small Landholders Bill was to be passed at any moment, they would not undertake any new major land schemes in the Highlands.¹⁴⁴ For the Sutherland estate, however, this was unwelcome news; perhaps they would have preferred to set up a scheme under the auspices of the CDB on their own terms, rather than have schemes forced upon them by the compulsory purchase powers of the new Board of Agriculture for Scotland in the future.

The Sutherland estate was certainly not going to give way without a fight, and was led in this, rather extraordinarily, by the Duchess Millicent. 'Meddlesome Millie,' as she was known in some quarters, was a far more active individual in prosecuting the CDB than the Duke could ever have been.¹⁴⁵ The Duke himself was in Canada throughout the extended correspondence between the Duchess and the CDB, and the Duchess was instead advised by the Sutherland factors and lawyers. She had been interested in Melness since 1910, when on the election campaign trail with her son, Lord Stafford. It was while meeting the crofters of Melness then, that she first supported the idea of breaking up the neighbouring farm for their benefit. This was not the first instance of activity on her part to benefit the crofters; she was probably the most active Duchess of Sutherland in their history for working on behalf of the Sutherland crofters, apart perhaps from the Countess/first Duchess Elizabeth. Like the 1st Duchess, this activity was sometimes seen as misguided and

¹⁴¹ NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to Macaulay, 28 Oct. 1911.

¹⁴² NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to CDB, 6 Nov. 1911.

¹⁴³ NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to Macaulay, 11 Nov. 1911. See also 1546, Morrison to Duchess, 11 Nov. 1911.

¹⁴⁴ PP1907, LXVII *Ninth Annual Report of the CDB*, 5; Cameron, *Land for the People*, 95-96.

¹⁴⁵ *Highland News*, 6 Jul. 1912.

a sop for avoiding the real issue: land. Since becoming Duchess in 1892, she had campaigned on behalf of and held the Presidency of the Scottish Home Industries Association, holding fairs and sales in Stafford House to raise money for the cause. She also funded the foundation of the Golspie Technical School, to provide trades training for crofters' sons and daughters.¹⁴⁶ She was often at odds with the estate staff because of this campaigning, mainly because it required spending large sums of money. As she wrote to MacLean while trying to raise money for the Golspie School,

I fear you consider me a very expensive item to the estate expenditure! I confess I shall always feel there is so much that should be done...The Duke always says "alright" when I tell him a thing might be done!! then you say, I fear, its "all wrong" as regards the estimates and then there is confusion and weariness of the flesh! Seriously I know expenses are heavy enough, but I would gladly forego some of my luxuries to use the money in ventures and improvements. I don't want to pauperise the people, but I do want to enlighten them.¹⁴⁷

The Duchess was occasionally mocked for this gushing attitude, for example by the *Highland News*, 'The Duchess is awfully sorry: sheds tears over the poor crofters,' but she set to the CDB with a vengeance over Melness.¹⁴⁸ After gathering advice from the estate factors she wrote personally to Lord Pentland, perhaps thinking that this might produce a more satisfactory result.¹⁴⁹ Lord Pentland had made it clear that the active support of the crofters of Melness, in the form of an application to

¹⁴⁶ *Highland News*, 30 Aug. 1886, 14 Oct. 1893, 25 Mar. 1899, 13 Jul. 1901, 26 Oct. 1901, 2 Nov. 1901, 10 Dec. 1910, 2 Dec. 1911 and 6 Jul. 1912. Also, NLS, Acc. 10225, Policy Papers, 107, MacLean to Duchess, 4 Sept. 1894; 5th Duke of Sutherland, *Looking Back: the autobiography of the Duke of Sutherland* (London, 1957), 45-46; D. Stuart, *Dear Duchess: Millicent Duchess of Sutherland, 1867-1955* (London, 1982), 91-96; J. Helland, 'Rural women and urban extravagance in late nineteenth century Britain,' *Rural History*, 13 (2002), 182, 187-90 and *Northern Times*, 13 Jul. 1899, 29 Mar. 1900, 30 Nov. 1911.

¹⁴⁷ NLS, Acc. 10225, Crofters, B/e, Duchess to MacLean, 12 Nov. 1900.

¹⁴⁸ *Highland News*, 2 Dec. 1911.

¹⁴⁹ NLS, Acc. 10225, Crofters, C/a, Duchess to Macaulay, 10 Nov. 1911 and 23 Nov. 1911.

the CDB or Crofters Commission, had been missing from the estate's scheme and therefore the CDB could not take it any further.¹⁵⁰ The Duchess rejected this in very strong terms, asking Lord Pentland, 'Don't you think it is very unfair that the Board should endeavour to ride off on these technicalities? ...I maintain that these technical grounds do not in common fairness apply to the case.'¹⁵¹ She argued that the CDB had been invited to create a scheme of their own, and that all they had to do financially was aid the crofters in taking over the stock. She twisted the knife further,

It is too sad to think that an honest endeavour to put these people in a way of helping themselves should have been frustrated by the actions of the Congested Districts Board, a Board, whatever its present occupation may be, was originally brought into existence for the administration of sums available for the improvement of congested districts in the Highlands and the amelioration of the lot of our Highland people.¹⁵²

The collapse of the Melness scheme was being skilfully used by the Sutherland estate as an exercise in positive spin, and was extended to the general public when in early December the Duchess had all of the correspondence published.¹⁵³ The Sutherland estate was able to paint a picture of thwarted endeavour on their part; that they had tried to help the crofters, but this aid had been denied by the CDB. Morrison wrote to the Melness crofters,

If the scheme which the Duke submitted had been reasonably dealt with by the CD Board, who had ample means at their disposal, there is, it is thought, no doubt that arrangements could have been made which would have benefited the people of

¹⁵⁰ NLS, Acc. 10225, Crofters, C/a, Lord Pentland to Duchess, 9 Nov. 1911.

¹⁵¹ NLS, Acc. 10225, Crofters, C/a, Duchess to Lord Pentland, 17 Nov. 1911.

¹⁵² NLS, Acc. 10225, Crofters, C/a, Duchess to Lord Pentland, 17 Nov. 1911.

Melness generally. The new small holdings which were suggested would have been of special interest to the cottars. But as already stated the CD Board absolutely refused to do anything in the matter and thus unfortunately His Grace's scheme had to be dropped.¹⁵⁴

This must have been extremely galling for the CDB. It was not a popular institution with the general public and was widely perceived to have failed in its task of redistributing land to the crofters since 1897.¹⁵⁵ It was, therefore, an easy target and the Sutherland estate gleefully took the opportunity to make itself look good. It was a hollow victory, however, as few sympathised with the estate. After all, it could have gone ahead with the scheme without the CDB and taken the financial loss itself, and to most crofters and their supporters, the Sutherland estate had still not shaken off the disgrace of forcing the CDB to purchase Syre in 1901, hardly a move of generosity to the crofter-purchasers.

Lord Pentland continued the correspondence with the Duchess, defending the actions of the CDB, but to no avail.¹⁵⁶ The Duchess replied only that, 'I am persuaded that the Board really has no heart to help anything in Sutherland. I consider I am putting this conviction very mildly.'¹⁵⁷ She also arranged for a petition from the Melness crofters to be written and sent into the CDB, to meet their requirements for an application.¹⁵⁸ Lord Pentland ended the correspondence by saying, 'I must content to differ,' and promised that if any application from the crofters were received he would bear all of the Duchess's comments in mind.¹⁵⁹ When the crofters' petition arrived at the CDB, they wrote back, rejecting the

¹⁵³ NLS, Acc. 10225, Crofters, C/a, Lord Pentland to Duchess, 30 Nov. 1911; *Scotsman*, 5 Dec. 1911.

¹⁵⁴ NLS, Acc. 10225, Factor's Correspondence, 1547, Morrison to William MacKay, crofter, Melness, 29 Feb. 1912. See also 1547, Morrison to William MacKay, 10 Feb. 1912 and Crofters, C/a, Lord Stafford to Lord Lovat, 30 Nov. 1911.

¹⁵⁵ Hunter, *Crofting Community*, 185; Cameron, *Land for the People*, 101, 122.

¹⁵⁶ NLS, Acc. 10225, Crofters, C/a, Lord Pentland to Duchess, 19 Dec. 1911.

¹⁵⁷ NLS, Acc. 10225, Crofters, C/a, Duchess to Lord Pentland, 27 Dec. 1911.

¹⁵⁸ NAS, AF42/9157, Melness crofters to CDB, 14 Dec. 1911. Also, NLS, Acc. 10225, Factor's Correspondence, 1546, Morrison to Macaulay, 24 Nov. 1911; 1547, Morrison to Sutherland Board of Management, 6 Jan. 1912 and Morrison to CDB, 15 Feb. 1912.

¹⁵⁹ NAS, AF42/9256, Lord Pentland to Duchess, 3 Jan. 1912.

petition on the basis that the applicants could not pay for the stocking of the land: Melness farm was re-let by the estate in early 1912.¹⁶⁰

The CDB had ended in Sutherland on a very sour note, having failed to come out of the Melness negotiations with its reputation undamaged, despite Lord Pentland's best efforts. This was on par with nearly all of its actions in Sutherland since 1897, from the messy negotiations and failed conclusion of the Syre settlement to the Melness scheme, which never even got off the ground. This record was not entirely the fault of the CDB, however; it was constricted from its inception by a budget insufficient for its schemes all over the Highlands.¹⁶¹ It was doubly unfortunate then that the 4th Duke would only sell Syre, forcing the CDB to spend a third of its annual budget and passing the entire risk of the settlement, financial and political, onto the CDB. Finances were just one of the almost insurmountable problems the CDB faced in Sutherland. The nature of the land also dictated decisions about crofters' holdings there, as it was rough, poor and was generally agreed to have deteriorated under eighty years of intensive sheep farming. The nature and extent of the clearances which had created those sheep farms were also a barrier to increasing the amount of land under crofters.¹⁶² Most of Sutherland's crofters were mired in poverty, with no capital for stocking new land or fencing and building. That the CDB expected the crofters to carry the financial burden for this was fantastically naive, and destined to scupper the schemes at Syre and Melness. There were some successes for the CDB in Sutherland, however; the division of the farms of Clashmore and at Inver were two and its funding of projects such as roads, bridges and marine works and the provision of good quality breeding stock were all to improve the living standards of crofters.¹⁶³ The main cry of the crofters was still for more land, however, and in this, the CDB had failed to provide.

¹⁶⁰ NLS, Acc. 10225, Factor's Correspondence, 1547, Morrison to Sutherland Board of Management, 3 Feb. 1912 and NAS, AF42/9317, CDB to Melness crofters, 18 Jan. 1912.

¹⁶¹ Cameron, *Land for the People*, 84.

¹⁶² Leneman, *Fit for Heroes?*, 53.

¹⁶³ PP1910, XXI, *Twelfth Annual Report of the CDB*, 10-11; Hunter, *Crofting Community*, 185-185.

'I prefer to establish myself in my own colony.' the New Sutherland estate, 1899-1914¹⁶⁴

Increasing government intervention in the running of Highland estates from 1897, and in the finances of great landowners and their political control through the House of Lords after 1906, drove the 4th Duke to radically restructure his estate and notions of what landowners could do with the vast sums of capital they rested upon. For the Duke's contemporaries, the instinct was to fight to preserve their estates, their fortunes and their political powers.¹⁶⁵ The 4th Duke was part of this trend and took active steps to remould the Sutherland estates into a structure that could survive the twentieth century. This included freeing up vast sums of capital by land sales and investing that money into what he judged to be safer ventures in the Empire, away from the Treasury sniffer dogs. The Duke did not live long enough to see whether his experiment succeeded, as he died in 1913. In many ways it did not: the land purchases he made in Canada were never a success, and his son, the 5th Duke, had to live a more frugal life than his father or grandfather.¹⁶⁶ Still, it was a fundamental success in one way; the Sutherland family still exists and holds thousands of acres and Dunrobin castle in the north. True, these are the remnants of a former unimaginable wealth, but the family survived.¹⁶⁷ How this survival occurred will be examined here.

Right from the beginning of his tenure as Duke in 1892, the 4th Duke was exercised about expenditure. This concern initially stemmed from the ruinous court case and settlement he had made with his father's widow, the Duchess Blair, but years after that payment had been made, he regularly worried his factors with instructions to cut down estate expenditure. As he pointed out in 1907, 'The

¹⁶⁴ *Highland News*, 2 Sept. 1911.

¹⁶⁵ Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 35-37.

¹⁶⁶ See 5th Duke, *Looking Back*, 86, 98, 164; the fact the 5th duke even wrote an autobiography says much. He also spent much of his life abroad and sold off c. 500,000 acres of Sutherland between 1918 and 1922. See Papers of Mrs Liz Sutherland, 'Brochure for sale of land, 1918 and 1919,' and Spring, 'Role of the Aristocracy,' 63.

¹⁶⁷ F. M. L. Thompson, 'English Landed Society in the Twentieth century: I: Property: Collapse and Survival,' *Transactions of the Royal Historical Society*, 5th ser., 40 (1990), 10, 13 and Thompson, 'English Landed Society in the Twentieth century: II: New Poor and New Rich,' *Transactions of the Royal Historical Society*, 6th ser., 1 (1991), 11.

outgoings at the close of the financial year are always very heavy, while the revenues are small. I trust therefore you will use every effort to limit the expenditure for the rest of the year, as far as is reasonably and practically possible.¹⁶⁸ He was working against the prevailing tide, however; his wife was a keen worker for charity, frequently requiring large sums of money, and was also one of the 'fast' set, unwilling to accept the 4th Duke's curbs on family expenditure. She was especially upset when the great houses started to go.¹⁶⁹

The Duke not only had to work against his own family in protecting his fortune; he had the government to contend with as well. A new and aggressive Liberal government from 1906 was a blow to both the Duke's confidence in his wealth, and his confidence in the political power of his class. One of the Duke's biggest worries was Lloyd George's People's Budget, mooted in 1909-10, which included a measure to provide for the taxation of land values, as well as increased death duties and a super tax, all measures calculated to strike fear into the hearts of big landowners like the Duke.¹⁷⁰ The prospect of this legislation caused a flurry of panic in the Sutherland estate management. The Duke wrote, 'In the face of such a Budget both my son and I should have power and freedom to sell land. I should not like to consent to hand my son down to an overtaxed estate. If the country as a whole determines to break up big estates so it must be but I would not consent to an impoverished owner being tied to land from which other people get the revenue.'¹⁷¹ As a precautionary measure, the Duke suspended all expenditure on the estate and set about investigating what effect the new legislation would have on his

¹⁶⁸ NLS, Acc. 10853, Policy Papers, 52, Duke to MacLean, 15 Nov. 1907. See also, 47, Duke to MacLean, 20 Jun. 1902; 53, Prowse to MacLean, 21 Dec. 1908; Acc. 10225, Crofters, B/e, Duchess to MacLean, 12 Nov. 1900; Factor's Correspondence, 418, MacLean to Duke, 9 Jan. 1900; 454, MacLean to Taylor, 15 Jan. 1900; Policy Papers, 107, MacLean to Duke, 28 Jan. 1901. Finances were a problem for many Highland estates, often much more so than for the Sutherland estate. See Ulbster estate MSS, Factor's Letterbook, 11, Keith to Sir Tollemache, 31 Mar. 1911, 3 Apr. 1911 and 5 Dec. 1911.

¹⁶⁹ Stuart, *Dear Duchess*, 118.

¹⁷⁰ B. Murray, *The People's Budget 1909/10: Lloyd George and Liberal Politics* (Oxford, 1980), 173; I. Packer, *Lloyd George, Liberalism and the Land: the Land issue and party politics in England, 1906-1914* (Woodbridge, 2001), 61-62; Cannadine, *Decline and Fall*, 48; Thompson, 'I: Property: Collapse and Survival,' 2 and Thompson, 'II: New Poor and New Rich,' 6, 7.

¹⁷¹ NLS, Acc. 10225, Policy Papers, 105, Prowse to MacLean, 7 May 1909.

finances.¹⁷² The Duke's attitude was one of outraged paranoia, and he evidently thought the new legislation was totally unfair; he spoke of being, 'burdened,' by a large estate, while damning the Chancellor, 'I daresay you will have noticed the wild way the Chancellor of the Exchequer has been behaving and there can be no doubt he will bring forward a very sensational Budget, which may be a serious thing for those who are burdened with large estates.'¹⁷³ MacLean estimated that the new taxes would cost the Dunrobin management an extra £1150 to £1200 per year; this figure would have to be multiplied for all the other lands the Duke owned.¹⁷⁴ He could not say what the land taxation values would come out to, calling them, 'perfectly unworkable and are most inconsiderate and unjust.'¹⁷⁵ Morrison feared the knock-on effects of the Budget, pointing out that if landlords were taxed more, they would be less likely to employ locals, 'If these proposals become law they will effect estates in the north very prejudicially, make land difficult to dispose of...owners will not be in such good positions to expend money and thus cause a lack of employment.'¹⁷⁶ This was exactly the argument used by the Duke in his letter of December 1909 to his employees in Sutherland, asking them to consider his plight when voting in January 1910.¹⁷⁷ The Duke feared that the new taxes would put off potential buyers of land, and with new legislation coming into force in 1911 to take land for crofters on compulsion, he feared for the future of landowners in Britain. As the *Highland News* put it, rather less sympathetically,

The Duke of Sutherland, like other great landed proprietors, is taking fright at the trend of present legislation, and, instead of continuing the old frozen up style of refusing to listen to applications for land, is pleading with Government Boards to take the hot potato out of his hands...Meantime Dukes and Duchesses

¹⁷² NLS, Acc. 10225, Policy Papers, 105, Prowse to MacLean, 7 May 1909; 169, Duke to Morrison, 10 Jan. 1909, Prowse to Morrison, 10 Mar. 1909, Prowse to Morrison, 5 May 1909, Prowse to Morrison, 7 May 1909; 170, Prowse to Morrison, 20 Jan. 1910, Prowse to Morrison, 13 Aug. 1910.

¹⁷³ NLS, Acc. 10225, Policy Papers, 169, Duke to Morrison, 10 Jan. 1909.

¹⁷⁴ NLS, Acc. 10225, Policy Papers, 114, MacLean to Duke, 5 Jun. 1909.

¹⁷⁵ NLS, Acc. 10225, Policy Papers, 114, MacLean to Duke, 5 Jun. 1909.

¹⁷⁶ NLS, Acc. 10225, Factor's Correspondence, 1539, Morrison to Duke, 17 Jul. 1909.

should be allowed to feel a little of the anxiety crofters and small farmers have been feeling for ages.¹⁷⁸

The Duke, as well as trying to get a Conservative candidate elected in Sutherland to stem the tide of this radical Liberalism, used another tactic in common with many of his other fellow landowners; land sales.¹⁷⁹ He had been selling land off since 1899, both in Sutherland and England, and was also trying to cut down on the number of houses the family kept up; Trentham was offered to Staffordshire County Council as a gift in 1907 but they refused to take it, and it was eventually bulldozed in 1911 to save on upkeep costs. Stafford House, the great London palace of the Sutherlands since the 1850s, was sold to Lord Leverhulme in 1912 for £60,000.¹⁸⁰

The Duke sold two main lots of land in Sutherland. 100,000 acres in the Tongue management were advertised first, attracting the attention of Andrew Carnegie, an interest welcomed by the Duke; Carnegie's wealth was legendary.¹⁸¹ The Duke wrote to Box, who was managing the sale that, 'Should it be Mr Carnegie the Duke would hold out for £103,000, but to any other person who was acceptable he would agree for the sum of £100,500.'¹⁸² The sale fell through, however, as there was not a suitable house for Carnegie on the land.¹⁸³ There was one individual he would keep out at all costs, however; the Dowager Duchess. There was one interested buyer who persistently refused to give their name, working only through a solicitor; the Duke suspected might be the Dowager, 'If such were the case he would decline to sell to her at any price...We must also be careful that the person is not in

¹⁷⁷ *Highland News*, 1 Jan. 1910. For other landlord responses to the People's Budget see Cannadine, *Decline and Fall*, 49, 53.

¹⁷⁸ *Highland News*, 10 Feb. 1912.

¹⁷⁹ See Armadale Castle, Macdonald MSS, 3611, Macdonald lawyers to Malcolm of Invergarry, 14 Sept. 1908 and Cannadine, *Decline and Fall*, 133.

¹⁸⁰ Stuart, *Dear Duchess*, 56, 116-117; PRO, TI/11564, Treasury, Office of Works, file 13936; F. M. L. Thompson, 'English Landed Society in the Twentieth century: III: Self-Help and Outdoor Relief,' *Transactions of the Royal Historical Society*, 6th ser., 2 (1992), 13 and Cannadine, *Decline and Fall*, 116.

¹⁸¹ NLS, Acc. 10225, Factor's Correspondence, 1509, Box to Wright, 20 Jul. 1897; Policy Papers, 158, Wright to Box, 23 Jun. 1897, 19 Jul. 1897 and 31 Jul. 1897.

¹⁸² NLS, Acc. 10225, Policy Papers, 159, Wright to Box, 14 Aug. 1899.

¹⁸³ NLS, Acc. 10225, Policy Papers, 158, Wright to Box, 31 Jul. 1897.

collusion with the Dowager – to effect a sale and then resell to her.¹⁸⁴ At last a suitable purchaser did come forward, a Mr W. E. Gilmour, a wealthy Scotsman who owned a large dye-works in Dumbartonshire.¹⁸⁵ He eventually bought the lands from the Duke for £100,500 in 1899.¹⁸⁶

The Duke also sold his estates in Yorkshire in 1911. The estates were the heart of the Leveson-Gower family, the original landed estates granted to the family centuries ago; their sale marked the end of an era.¹⁸⁷ They freed up £45,745 in capital, however, a large sum for relatively few acres.¹⁸⁸ The Duke also sold land in Shropshire, the land in the south fetching much higher prices than that in Sutherland.¹⁸⁹ It appears that the Duke effected all of these sales without any objection from his heir. Many of their contemporaries were doing the same, it being no longer possible to keep wide acres in the teeth of government legislation and decades of family debt.¹⁹⁰ It may also have been because the Duke, in Sutherland at least, was careful to sell the poorest quality land, and that with the most crofters on it. In 1913, just before he died, the Duke completed the sale of Assynt to Mr J. W. Stewart, the son of a cottar in Assynt who had emigrated to Canada and come back a millionaire to buy 50,000 acres of his homeland.¹⁹¹ This sale and that to Mr Gilmour took poor land with troublesome crofters off the Duke's hands and gave him hard cash instead, a conversion he was very happy with.

The Duke was outraged by what he saw as destructive trends in British government and society, all aimed at eradicating him as a landlord. His land sales had been for a very specific purpose, as he told an interviewer in 1911, 'If it becomes necessary to submit to mob rule as the outcome of Lloyd George's Government, I prefer to establish myself in my own colony, where political relations do not enter into the

¹⁸⁴ NLS, Acc. 10225, Policy Papers, 159, Wright to Box, 14 Aug. 1899 and Wright to Box, 16 Aug. 1899.

¹⁸⁵ McIver, *Memoirs*, 148 and Habakkuk, *Marriage, Debt and the Estates System*, 671-673.

¹⁸⁶ McIver, *Memoirs*, 123-4, 150.

¹⁸⁷ *Highland News*, 25 Feb. 1911.

¹⁸⁸ *Highland News*, 8 Jun. 1912.

¹⁸⁹ *Highland News*, 3 Feb. 1912; the Yorkshire estate was sold at £28 per acre, whereas the 100,000 acres in the Tongue management sold to Mr Gilmour went for only £1 an acre.

¹⁹⁰ Cannadine, *Decline and Fall*, 88-89.

¹⁹¹ *Highland News*, 8 Mar. 1913.

dealings between landlord and tenant.¹⁹² Through land sales, he was extracting sleeping, taxable capital he held in Britain, moving it to Canada through land purchases of over 100,000 acres, for which he paid £250,000.¹⁹³ As the *Highland News* pointed out, 'They [landlords] have a suspicion that landlordism is about to be played out in this country, and are making preparations to flit. Landlordism is a paying game while it lasts, and the Duke thinks it will last a while yet in the new country across the sea.'¹⁹⁴ The Duke had big plans for his land in Canada; as well as building his own permanent residence there, he wanted to offer the rest in lots to emigrants from Britain, more especially Sutherland, to purchase on favourable terms.¹⁹⁵ By the time of his death he was deeply involved in promoting settlement in the Empire generally, having founded both the British Empire Association and the Imperial Colonisation Corporation of Canada to further these ends.¹⁹⁶ He found an agent to manage his lands in Canada, a former farm tenant in Sutherland, Mr Sangster, and instructed his factors to encourage any Sutherland crofters with capital to apply for a farm.¹⁹⁷ The 4th Duke saw the future of relations between landlord and tenants in a fundamentally different way to both crofting and government opinion. In the Duke's eyes, the scheme would result in two advantages. First, it took the trouble and expense of a crofting tenantry away from him and passed it onto either the Canadian government or the crofters themselves. Second, it would appear he was working for the good of the crofters, and would thereby avoid the public criticism his family had received in the past. This Canadian 'emigration tonic' was similar in many ways to his Purchase Scheme of

¹⁹² *Highland News*, 2 Sept. 1911. The Duke was not the only landowner to express these sentiments: see Thompson, 'I: Property: Collapse and Survival,' 13 and 'II: New Poor and New Rich,' 12-14.

¹⁹³ *Highland News*, 3 Sept. 1910, 15 Oct. 1910, 22 Oct. 1910, 29 Oct. 1910, 20 May. 1911, 6 Jan. 1912, 3 Feb. 1912, 31 Aug. 1912, 7 Sept. 1912 and 30 Nov. 1912; 5th Duke of Sutherland, *Looking Back*, 58-59; Cannadine, *Decline and Fall*, 103, 108, 134; Habakkuk, *Marriage, Debt and the Estates System*, 667-668.

¹⁹⁴ *Highland News*, 16 Jul. 1910.

¹⁹⁵ *Northern Times*, 2 Nov. 1911, 26 Nov. 1911.

¹⁹⁶ *Highland News*, 22 Jun. 1912.

¹⁹⁷ NLS, Acc. 10853, Policy Papers, 54, Alex. Simpson to MacLean, 24 May 1911; Acc. 10225, Factor's Correspondence, 1543, Morrison to Alex. Simpson, 12 Sept. 1910; Policy Papers, 170, Alex. Simpson to Morrison, 7 Sept. 1910 and Prowse to Morrison, 22 Feb. 1912.

1894.¹⁹⁸ The Duke, encouraged by changing financial legislation, took the scheme to Canada, where he believed he could live in peace, promoting the welfare of individuals and the Empire at large. Unsurprisingly, there were few applicants from Sutherland for the Duke's scheme; the required capital was too much for most to afford, and for many it smacked of the clearances, 'This is indeed adding insult to injury - this progeny of a noble family whose ancestors burned the poor Highlanders' cottages etc. about their ears, evicted them without remorse, and now has the impudence to offer a "settlement" in some far off country for the remnant of those whose forefathers escaped the Sutherland Clearances.'¹⁹⁹ Another correspondent to a newspaper asked, 'Why not give 5000 acres in Sutherlandshire? There is plenty of land there available for small holdings. It would be to our benefit in travelling expenses alone, and, again, it would give us the privilege of being situated upon our native heath.'²⁰⁰ Whether the Canadian scheme would have succeeded is unknown; just as it began, the 4th Duke died, and from 1913 the Sutherland Canadian Lands Company, set up to administer the estates, halted any further schemes and investment, and sold off all the land over the following thirteen years.²⁰¹

¹⁹⁸ NLS, Acc. 10225, Crofters, L/b, cutting from *People's Journal*, 11 Nov. 1911, letter to the Editor from N. F.

¹⁹⁹ *Highland News*, 15 Oct. 1910, letter to the Editor from 'A Highland Land Leaguer.'

²⁰⁰ NLS, Acc. 10225, Crofters, L/b, cutting from *People's Journal*, 11 Nov. 1911, letter to the Editor from N. F.; 5th Duke, *Looking Back*, 58.

²⁰¹ 5th Duke, *Looking Back*, 58.

'For he will return to Dunrobin no more.' conclusion, 1898-1914²⁰²

'Lament for Cromarty, Duke of Sutherland' by J. S. of Oban²⁰³

The coronach's warning revealed ere the morning
 A son of the Freskin would languish and fade.
 And true was its story, alone in his glory
 The Chief of Clan Catudh in silence is laid.
 The flower that was the fairest, well cherished and rarest,
 Now culled from among us, lies withered and dead;
 Serenely he's sleeping, where willows are weeping,
 And zephyrs are kissing his cold narrow bed.
 In township and shieling, oh! sad is the feeling,
 For true was the love for our hero we bore;
 But he has no morrow who trusted us thorough,
 And he will return to Dunrobin no more.
 The tempest when howling, ore Boreas scowling
 And swinging his lances athwart the toabh-tuadh,
 Nor piper's loud number awakes him from slumber,
 When peals the proud anthem "Clan Catudh nam buadh."
 True lover of beauty, of goodness and duty;
 Unstained were the diadems Cromarty wore;
 Ye angels receive him in peace when we leave him,
 For he will return to Dunrobin no more.

This poem is an extraordinary composition in many ways, presenting an idealised image of the 4th Duke as an old clan chief, honoured in a way he clearly was not in life. 'In township and sheiling oh! sad is the feeling,' cannot be taken as a true measure of the Sutherland crofter's views and instead, reflects a highly

²⁰² *Highland News*, 12 Jul. 1913.

²⁰³ *Highland News*, 12 Jul. 1913. See also 28 Jun. 1913; NLS, Acc. 10225, Crofters, J/a, 'Cromartie, Duke of Sutherland K. G., died June 27 1913, An Appreciation,' taken from *Northern Times*, 3 Jul. 1913.

romanticised picture of the Highland aristocracy. No mention is made of the ducal family's sins, past or present, from the refusal of the 4th Duke to fund land grants to the crofters to the clearances of a century ago. Instead, it is claimed, the 4th Duke was a, 'true lover of beauty, of goodness and duty; unstained were the diadems Cromarty wore.' Despite this wishful thinking, the 4th Duke never lived up to his 'Radical' sobriquet after 1885. Instead, he followed the path of most of the great aristocratic families of the day; he gradually slid through the political spectrum, finally resting with the Conservatives, indulging in more or less reactionary politics as he watched politicians like Lloyd George attack his class politically and financially.²⁰⁴ As a result of this siege mentality, he sold off large tracts of land in Britain and invested the proceeds in Canada, throwing his efforts into the Imperial colonies, places where he saw the future survival of his class. He did not live to see his Canadian schemes through, and after his death, his son, the 5th Duke, did not see enough potential in them to carry them on. The capital the 4th Duke had sought to keep safe from the government was lost to the family anyway and the 5th Duke spent much of his life retrenching estate finances in an effort to keep his head above water.

The tenure of the 4th Duke of Sutherland over the estates in Sutherland was overshadowed by the parallel power of government agencies in the region; the Crofters Commission and the Congested Districts Board. The CDB saw thirteen years of activity in Sutherland, but this resulted in little change in the structure of land holding there or elsewhere in the Highlands.²⁰⁵ The CDB's experiment in land purchase at Syre was a failure, a result of the Duke's unwillingness to see land given to the crofters under any scheme where he might lose out financially. The Sutherland estate supported giving land to the crofters in principle, but only if it was purchased, and at a market price at that. The 4th Duke's recurring financial concerns and belief that he could not afford to sell at less than market price, or make a financial sacrifice by dividing up sheep farms himself contributed to this failure. The position of the estate on giving land to the crofters, despite all the

²⁰⁴ Cannadine, *Decline and Fall*, 28-29.

²⁰⁵ Cameron, *Land for the People*, 122-123.

changes occurring around it, changed little in sixteen years. For most crofters in Sutherland, purchase was not a realistic option; they wanted more land, but could not possibly pay market prices for it, and pay for stock and buildings. Their wish was to remain tenants, with the benefits that status conferred, such as security of tenure, lower taxes and low rents.²⁰⁶ Very few crofters, especially the poorest whom the CDB was supposed to assist, had a few hundred pounds of capital to spend on purchasing small crofts of low value; if they did, they would not have needed the CDB at all.

²⁰⁶ Hunter, *Crofting Community*, 185-186.

Chapter Five: 'Let them understand that they must submit to rule:' Clashmore and the Sutherland Estate, 1869-1909¹

Introduction

In 1869, the 3rd Duke of Sutherland was busy planning his reclamations in Sutherland. Although centred on Lairg and Kildonan, the Scourie management was not excluded from the improving mania. The Duke allowed £200 per annum for the creation of a model farm at Clashmore.² As Evander McIver, Scourie factor, related to the Napier Commission fourteen years later,

Clashmore was a township with a lot of small tenants in it. They cultivated the lots very partially, and the Duke of Sutherland one day, standing on the hill pasture, asked me, would it not be a good thing for the employment of the people if we were to set a-going a small farm here, on which we could show the people what crops could be grown by proper trenching and drainage and farming on the regular rotation. I said I thought it would be a very good thing indeed, and would give a great deal of employment to the people of this place, Clashmore was fixed upon as suitable for the purpose.³

This chapter will examine what happened when the estate went ahead with its plans at Clashmore and will use the township as a case study to look at the various agencies of estate management and government in close detail and examine the

¹ National Library of Scotland [hereafter NLS], Acc. 10225, Policy Papers, 215, McIver to Kemball, 22 Jan. 1886.

² NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 10 Sept. 1869 and 7 Feb. 1870; see also E. Richards and M. Clough, *Cromartie: Highland Life, 1650-1914* (Aberdeen, 1989), 257.

³ PP 1884, XXXII-XXXVI, *Evidence of the Commissioners of Inquiry into the Condition of the crofters and cottars in the Highlands and Islands*, [hereafter *Napier Commission Evidence*], Evander McIver, 1763. Before 1882, the estate would often initiate works projects to provide employment and thereby encourage payment of rents: see E. McIver, *Memoirs of a Highland Gentleman: Being the reminiscences of Evander McIver of Scourie*, (ed.) Rev. G. Henderson (Edinburgh, 1905), 79 and Richards and Clough, *Cromartie*, 287.

tensions between them. The lower levels of estate management will be examined closely, down to the layers of ground officers, 'watchers,' farm grieves and sub-factors, as well as the more familiar upper layers of management comprising the factors, Commissioners and the dukes. The same is true of the legal authorities, from the Police Constables, Sheriff-Substitutes and Sheriffs up to the Lord Advocate, the Courts and the State, represented by the Scottish Office, the Crofters Commission and the Congested Districts Board. Lastly, the crofting community itself will be examined in close detail, from the leading crofter radicals, local ministers and the Highland Land Law Reform Association [hereafter HLLRA], and the Sutherlandshire Association, led by Angus Sutherland (later M.P.).

Clashmore has been chosen as a case study, despite its atypical history of strife and agitation. Indeed, it was because of this that it was chosen: the involvement of a wide variety of authorities, from the State, the HLLRA and those of law and order have left a rich seam of records separate from those of the estate, necessary to get a wider view of both the township and the estate management and how they were viewed externally. The agitation at Clashmore also throws the Sutherland estate management into sharp relief. The worst of the crofters' agitation of the 1880s in Sutherland was seen there and would put a huge strain on relations between the staff, resulting in two actual and two threatened resignations. This may partly be explained by the prevalence of strong personalities in the estate management in this period. The Scourie factor from 1845-1895 was Evander McIver, a well educated Lewis-man and son of a fish-curer, who garnered a reputation in Sutherland for strict rule over the crofters, earning for himself the bitter sobriquet, the 'King of Scourie.'⁴ He was extremely unpopular among the crofters for his despotic methods of management, and his rejection of the crofting system as a whole. He considered that crofters were a burden on the property of landlords, claiming, 'I don't think that any land is profitably occupied by crofters.'⁵ He regarded the new Clashmore farm as a boon for them, and would never understand their objections to it.

⁴ T. M. Devine, *Clanship to Crofters War: the social transformation of the Scottish Highlands* (Manchester, 1994), 217-218, for examples of other dictatorial factors in the Highlands.

⁵ *Deer Forest Commission Evidence*, McIver, 718.

Another key player in Clashmore was McIver's sub-factor in Scourie, James Gordon. He was in direct and constant contact with the crofters themselves and reported back their activities, moods, demands and worked hard to try to reach a compromise with them. He braved personal attacks and would eventually have to stand witness in a trial at the High Court of Justiciary in Edinburgh. Not surprisingly, he was often 'depressed,' especially as he held moderate views on the crofters, and thought the estate should give them extensions of land.⁶

Events at Clashmore over the four decades from 1870 were decisive for the Sutherland management. The extent of the disruption there was unique in Sutherland, which generally saw very little violent agitation, compared to areas such as Skye, Lewis or Tiree. It is therefore important to put Clashmore into its wider Highland context, in terms of the course and methods of crofter agitation and the response of the estate and of the authorities. In this way, although Clashmore stands out in a Sutherland context, it also fits into wider events in the Highlands in this period.

⁶NLS, Acc. 10225, Factor's Correspondence, 1972, Gordon to Brereton, 9 Feb. 1888 and Policy Papers, 216, McIver to Brereton, 30 Dec. 1887.

Evander McIver, in his eightieth year, 1881. This photograph amply demonstrates why McIver was known as 'the King of Scourie.'

Taken from, E. McIver, *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander McIver of Scourie* (ed.) Rev. G. Henderson (Edinburgh, 1905).



EVANDER MACIVER.
IN HIS 80th YEAR.

1869-1874: Genesis

‘You will lose and not gain by your conduct.’⁷

Clashmore had had a turbulent past: it was a clearance township, established in the early nineteenth century and was substantially added to during the second wave of clearance in 1851. The Clashmore tenants petitioned McIver to prevent the influx of more tenants, which would inevitably lead to greater congestion in the township, already pressed up against the coast with a boggy loch hemming it in on one side. They wrote,

That your petitioners beg to remark that they were promised by Mr Gunn factor when their houses were built before and Clashmore lotted that they would never be desired to change their houses or make any further lots as long as they would be able to pay their rents. That your petitioners most respectfully ask that you would lay their distressed case before his Grace the Duke of Sutherland and also that you would use your influence to prevent the contemplation [sic] change.⁸

Despite the petition, the township was added to, greatly reducing the value of the land for the existing tenants and creating a new class of cottars. It would be these cottars and their descendants who would form the backbone of the agitation in the 1880s.

After the upheaval of 1851, the estate left the township alone until the land was chosen as a site for reclamation in 1869, a gap of only twenty years between arbitrary changes imposed by an unsympathetic estate management. George Loch, the Commissioner, was not without qualms about the proposed reclamations at Clashmore, raising as they did the old spectre of clearance. In this attitude, Loch

⁷ NLS, Acc. 10225, Factor's Correspondence, 1941, McIver to Janet Mackenzie, 18 Aug. 1870.

⁸ NLS, Dep. 313, 1397, petition: Clashmore crofters to McIver, 1851.

was joined by the 3rd Duke, who had no stomach for clearance.⁹ Loch did not wish his reputation to be mauled in the manner of his father, James Loch, a key figure in clearances earlier in the century. He was also worried by the reclamation project as a whole and was extremely concerned about the massive outlay it was incurring and the losses it was undoubtedly leading to; McIver later recorded the pressure the reclamations had put Loch under, 'George Loch was broken-hearted about it, and it worried him so much that I believe it hurried his end.'¹⁰ He cautioned McIver over and over again about the proper way to treat the tenants who had to be moved, 'I am very glad to hear that it will not be necessary to move more than six tenants, and that, during five years...We must always be careful to have some place to offer to each of the tenants before removing them.'¹¹

McIver agreed with this policy of giving tenants a new lot, and reassuring Loch, sent his Ground Officer Mr Humphrey out to Clashmore to begin surveying the ground for the farm in February 1870. Foolishly, McIver had not informed the Clashmore tenants of the estate's intentions as to their ground before sending Humphrey to his work. Unsurprisingly, the tenant of the lot, widow Janet MacKenzie, reacted strongly. As McIver later reported to Loch, 'her sons, two big fellows came and kicked down his [Humphrey's] pole and told him no one would be permitted to interfere with their lot without their mother's permission or authority. Humphrey called for the mother who told him she had also desired her sons to act as they did.'¹² The estate had not informed any of the tenants that a farm was going to be established on their township, and in fact, as McIver admitted, until they served removal summonses they had no legal right to start any work on the lots at all, 'It is the fact that we cannot legally begin to improve this woman's lot without her consent and therefore the work cannot be proceeded with.'¹³ This action is typical of McIver's insensitive management and despite Loch's pleas for delicacy in dealing with the Clashmore tenants, right from the beginning, McIver had blundered. He was personally unconcerned about his mistake and was much

⁹ Richards and Clough, *Cromartie*, 267-68.

¹⁰ McIver, *Memoirs*, 120.

¹¹ NLS, Acc. 10225, Policy Papers, 186, Loch to McIver, 15 Feb. 1870 and 12 Sept. 1869.

¹² NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 16 Feb. 1870.

more troubled about maintaining his control in the remote area. He suggested that Janet MacKenzie be served with a summons so that work could proceed and an example could be set. He reported to Loch that if he could find a replacement lot at Whitsunday: 'they deserve to be removed to it.'¹⁴ Loch was disheartened by the news, but backed up his factor, 'There is no reason why the summons may not be served, so as to place you in a position legally to commence the improvement, but no steps may be taken to remove her, until there be some other place for her to go.'¹⁵ McIver duly served the summonses and work began again, this time on a legal footing, but the widow MacKenzie did not give up her case so lightly. She wrote to Loch personally and also had the Free Church minister in Stoer write on her behalf to the Duke, asking for a reprieve.¹⁶ She was given a new lot to occupy in the neighbouring township of Balcladdich, but nevertheless continued to occupy her old house at Clashmore. She was soon joined in her protests by another of the tenants, a second widow MacKenzie, who, 'has behaved very improperly and has actually frightened the trenchers so much by her noise and denunciations that none of them will return and begin on her lot.'¹⁷ The resistance would worsen, however, as when Humphrey did finally persuade a man to start trenching on her lot, 'they at once set upon him with stones...[and] hurt and bruised him so that he had to fly.'¹⁸

McIver's response was to write personally to the offending crofters to warn them about their behaviour and to serve summons of removal on them, 'I am most displeased with you for your own and your children's conduct about the trenching...You will lose and not gain by your conduct. I have desired Mr Humphrey to proceed with the trenching of your lot. Your letter to Mr Loch contains false statements and incorrect suppositions.'¹⁹ Overall, six summonses were issued, the budding agitation quietened down and Humphrey worked on the

¹³ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 16 Feb. 1870.

¹⁴ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 16 Feb. 1870.

¹⁵ NLS, Acc. 10225, Policy Papers, 186, Loch to McIver, 21 Jul. 1870. Also Factor's Correspondence, 1917, Simpson to widow MacKenzie, 4 Mar. 1870.

¹⁶ NLS, Acc. 10225, Policy Papers, 186, Loch to McIver, 26 Jul. 1870 and 26 Sept. 1870.

¹⁷ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 18 Aug. 1870.

¹⁸ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 30 Sept. 1870.

¹⁹ NLS, Acc. 10225, Factor's Correspondence, 1941, McIver to Janet MacKenzie, 18 Aug. 1870. See also McIver to Janet MacKenzie, 5 Apr. 1870; McIver to widow Flora MacKenzie, 16 May 1870; McIver to John MacKenzie, 25 Jan. 1871.

cleared lots in relative peace. McIver and Loch were aware of the tenants' resistance, and the Duke was also kept informed; indeed, he had seen one worker, bruised from stones, complain to McIver while he was on a trip to Culkein.²⁰ He must also have been aware of the growing expense of the project, mirrored in the spiralling finances of his other works at Lairg and Kildonan. Clashmore was employing between forty and sixty men a day but, 'it will be very expensive before it is fenced and drained and with houses be fit for a crop and occupation. It will give very favourable employment to a number of poor men who would otherwise be much in want.'²¹ The creation of Clashmore farm was often defended in these terms in future years, but the tenants soon realised that the loss of their lots would be more significant than short-term employment in the area.

Work continued relatively peacefully until 1873, when the next round of removals were to be undertaken. In March, Humphrey and his workers complained to McIver of a renewal of violent conduct of the tenants and so McIver, with one of his sons in tow, went to Clashmore the next day to investigate. As he reported to Loch,

There were some women hovering about us, but with the exception of one who came up towards Humphrey and two of the workmen and threw some clods at them, we were not interfered with...That night the whole of the sods and moss thrown out of the ditch by the workmen were thrown back in the ditch. Next day the 26th March Humphrey and his workmen returned...when the whole people of Clashmore, men and women, young and old, in a body came and said to Humphrey and his men that they must immediately desist from the work and that if they did not do so peaceably and quietly they would at once proceed to drive them away by force.²²

²⁰ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 30 Sept. 1870.

²¹ NLS, Acc. 10225, Policy Papers, 212, McIver to Loch, 1 Jul. 1870.

²² Staffordshire County Record Office, [hereafter SCRO], K/1/3/62, McIver to Loch, 13 Oct. 1873.

This was a new tactic: unity. As the whole township had turned out, the estate could not identify 'ringleaders' to punish and make an example of. McIver was outraged by this latest round of resistance, writing, 'It really is a very bad state of matters and among ignorant rude people such as the Stoer district is full of it has the most injurious effect on the habits and ideas of the people...Unless some strong measure of this kind [removals] be taken I must cease to attempt to exercise authority over the people of Assynt.'²³ This would not be the last resignation threat McIver would make over Clashmore. His angry reaction was partly based on fear that his authority over the tenants was failing: he had faced resistance in the 1850s when he oversaw clearances in Knockan and Elphine and had been attacked personally by angry crofters before.²⁴ His reaction to the Clashmore resistance was similar to that he had advocated in Knockan and Elphin twenty years before; he wanted the full force of the estates' power to be brought against the crofters. He argued that,

All the tenants have been summoned to remove at the approaching term of Whitsunday on account of their misconduct and interference about the lots proposed to be improved...I think this affords an opportunity of considering the subject of an increase in rent in this township, a subject which circumstances compel us now in my opinion to seriously take up...I think two or three of the ringleaders in the late disturbances there should be deprived of their lots altogether, and that the rental of all the other lots should be increased annually...25 per cent at least should be added.²⁵

²³ SCRO, D593, K/1/3/62, McIver to Loch, 26 Mar. 1873.

²⁴ NLS, Dep. 313, 1516, McIver to Duke, 23 Jul. 1851, McIver to J. Loch, 17 Oct. 1851 and McIver to Duke, 10 Dec. 1851.

²⁵ SCRO, D593, K/1/3/62, McIver to Loch, 5 May 1873. See also 10 Apr. 1873

McIver was backed up by Loch, who agreed that, 'it is quite certain that these acts of violence cannot be allowed to pass without serving notice.'²⁶ He agreed that two or three of the 'ringleaders' should be deprived of their lots entirely and McIver obliged by sending a list of no less than ten deserving candidates.²⁷ Loch was cautious on one point, however; that the Duke should not be linked to the punishments. As he pointed out to McIver,

In cases of intended severity, it is undesirable to mix the Duke up too directly with it. It is of course, known that the sanction of all proceedings must come from him, but it is better to have him regarded as a course of ultimate appeal, who may decide on taking any course, or altering any course, even though once determined on, without the risk of imputing inconstancy which might attach if he were taken as inspiring the first instructions in every case.²⁸

This policy, designed to deflect criticism away from the person of the Duke, put constant and unwelcome pressure on the factors and ground officers, as they had to voluntarily take on the role of hate-figure for the crofters to spare the family reputation, even though they were in daily contact with the crofters.²⁹ This policy also perpetuated the myth of the benevolent landowner, a figure led to commit oppressive acts either on the advice of their factors or who allowed them to happen through ignorance; in fact, the creation of Clashmore farm was one of those rare events in Sutherland, the Duke's own idea.

Fourteen of the Clashmore crofters petitioned the Duke in 1873, asking for the township to be spared and for a reduction in the newly increased rents. As Loch had engineered, they were careful to express their belief in the Duke, 'in whom we

²⁶ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Loch to McIver, 31 Mar. 1873.

²⁷ NLS, Acc. 10225, Crofters, ZN/h, McIver to Loch, 14 Apr. 1873.

²⁸ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Loch to McIver, 31 Mar. 1873. This policy of protecting a landlord's reputation was evident on other estates. See Armadale Castle, Macdonald MSS, 4675, J. D. Brodie, solicitor to Alex. Macdonald, 25 Apr. 1882, 10 Jun. 1882 and 8 Sept. 1882.

always had the greatest confidence...being confident that whatever grievances were experienced by tenants on the estate were not to be traced either to you or your most noble family.³⁰ It is clear that the tenants saw the Duke as a more sympathetic figure than McIver or Loch and believed that by writing directly to him, they would have a better chance of having their grievances redressed. The tenants also knew that the Sutherland family was sensitive about its public reputation and knew how to play on this, 'We beg moreover respectfully to state that some who knew how unevenly we have been treated recommended us to bring our grievances before the public through the press.'³¹ This also suggests that they may have had an advisor in drawing up their petition; perhaps the Free Church minister for Assynt, Rev. Norman N. MacKay, although this cannot be proven. They did not receive a reply, however, and the removals went ahead. Loch argued they should go on as soon as possible, so, 'that the people be convinced you are quite in earnest in carrying out the works of improvement.'³² Seventeen crofters were summoned and fourteen had their rents increased, although Loch was uneasy that, 'it be seen that we do so out of temper or to punish them.'³³ This put an end to the agitation and in 1874 it died away completely. McIver removed another three tenants without trouble and reported to Loch that the reclamations were progressing very well.³⁴

In starting the reclamations at Clashmore, the Sutherland estate sparked off some surprisingly stiff resistance from the crofters. The township had been rearranged only twenty years previously, and their lots were now going to lose out to a big neighbouring farm. That there was resistance is unsurprising, but its sustained nature and variety of tactics was unusual in the wider Highland context of the early 1870s. More famous cases of crofter resistance focus on Bernera in 1874 and in Leckmelin in 1879, but Clashmore did not attract the same publicity as these cases

²⁹ Richards and Clough, *Cromartie*, 325-26, 337.

³⁰ NLS, Acc. 10225, Crofters, ZN/h, Petition Clashmore crofters to Duke, 26 Sept. 1873.

³¹ NLS, Acc. 10225, Crofters, ZN/h, Petition Clashmore crofters to Duke, 26 Sept. 1873.

³² NLS, Acc. 10225, Farms, Clashmore 1873-1888, Loch to McIver, 1 Apr. 1873.

³³ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Loch to McIver, 22 May 1873. Also 1 Apr. 1873 and 10 May 1873.

³⁴ SCRO, D593/K/1/3/62, McIver to Loch, 3 Mar. 1874; 6 Mar. 1874 and 13 Mar. 1874.

did.³⁵ There is perhaps one important reason for this. In the early 1870s, public opinion was very favourable towards the Duke and his land reclamation projects, and he was held up as an example to his peers for ploughing vast sums of money into improving his estate. The main showcase for the reclamations was at Lairg: the Clashmore site was never visited by outsiders and the fact that tenants had been removed to make way for it was not made public, despite the threats of the crofters. Also, the resistance was never so bad that the estate had to call in the forces of law and order to help deal with it. Indeed, the estate tried to avoid this at all costs, to save embarrassment and possible criticism. The powers the estate had to hand, such as removal at forty days' notice and arbitrary rent increases were enough to quench the agitation in the early 1870s, even though some of the estate managers felt uneasy about using them. It is clear that Loch was unhappy with the removals, although he supported McIver's position wholeheartedly when workers were attacked by the crofters. The removals were later used against McIver by one of Loch's successors, Brereton, when he wrote, 'I have been reading Mr Loch's correspondence with you in 1873-74 and it is clear that he did not at all like the removal policy.'³⁶ McIver wrote in later years that he had felt the same, 'No one connected with the estate liked the Removal policy.'³⁷ The work had been done with few qualms at the time, however, and in 1874 it seemed to the estate management that the resistance was over, the people were settling into their new lots and the farm was coming together.

³⁵ I. M. M. MacPhail, *The Crofters War*, (Stornoway, 1989), 127; J. Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976), 141.

³⁶ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Brereton to McIver, 21 Jan. 1888.

³⁷ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 23 Jan. 1888.

1875-1886: 'A nursery for Paupers'³⁸

In 1877, the new Clashmore farm was completed and in 1880 let to its first tenant, Mr Burns Brown. He was already the tenant of the Lochinver Hotel and Clashmore was let with it as a package, giving the tenant a source of hay and oats for the hotel.³⁹ The estate had spent the huge sum of £4964 9s 2d on reclaiming the ninety-two acres of Clashmore farm.⁴⁰ It was unlikely to make its money back very quickly, as the farm was let at only £90 per annum, this figure decreasing to £50 per annum by 1896.⁴¹ Despite this disappointing rental, the estate was still pleased with its new farm. It had at least been let, which many of its other reclaimed farms in the east of the county had yet to be, and so any income, however small, was seen as better than nothing.

The Clashmore crofters and cottars, however, were not so well pleased with the farm. Those crofters that had been moved to other lots to make way for it had to start from scratch, despite Loch's exhortations that they be put on equally good lots. Some had to build new houses, with only a small grant of ten pounds from the estate to help them.⁴² None received compensation for the improvements they had made on their old lots or for having to move to inferior land elsewhere. Two families were evicted entirely, as a punishment for their role in the disturbances of March 1873. One of these was Kenneth Campbell, whose widow was still petitioning the estate for a house in 1896, having been reduced to a poverty-stricken cottar for nearly thirty years.⁴³ This was not the only family to drop in status from crofters to cottars. The new farm caused greater congestion in the township than ever before, as the next generation began having to squat on their parent's lots or on the common pasture to survive. It would be these cottars, often the children of the

³⁸ SCRO, D593/K/1/3/70/c, McIver to Kembell, 2 May 1884.

³⁹ PP1884 XXXII-XXXVI *Evidence of the Commissioners of Inquiry into the condition of the Crofters and Cottars of the Highlands and Islands of Scotland*, [hereafter *Napier Commission Evidence*], McIver, 1764.

⁴⁰ SCRO, D593/N/4/3/4, 'Memo on the outlay on the reclamation of 92 acres of land at Clashmore, Assynt, 1877.'

⁴¹ NLS, Acc. 10225, Factor's Correspondence, 1920, McIver to David MacBrayne, 13 Dec. 1888 and Farms, 25, lease between John Mackenzie and the Duke, 1896.

⁴² NLS, Acc. 10225, Factor's Correspondence, 1941, McIver to Flora MacKenzie, 16 May 1870.

⁴³ NLS, Acc. 10225, Crofters, ZB/c, J. Simpson to MacLean, 8 Sept. 1896.

original Clashmore crofters who had lost out to the farm, who would lead the agitation of the 1880s.

The estate management noted the rise in numbers of cottars with concern. As McIver said, 'I have found a large and increasing number of cottars in the district...my opinion was that they should be connected with the Proprietor by the payment of a small rent, to gain control over them.'⁴⁴ Delegates to the Napier Commission in 1883 also detailed the rise in numbers of cottars, one from Clashmore describing how, '[the people] were disposed of by crowding them in corners of the place near about, upon others.'⁴⁵ At the same hearing, the Free Church minister of Assynt pointed out that Assynt as a whole had only 360 crofters but 200 cottars, further burdening the already marginal land.⁴⁶ In Clashmore, the growing numbers of cottars, who generally supported themselves by fishing, were becoming an intolerable burden on the crofters, especially when general economic conditions suffered a downturn in the 1880s.⁴⁷ The combination of poor economic circumstances, acute congestion and raw grievance created a tense situation that could ignite at any time.

In 1884, the Clashmore crofters took action. Mr Burns Brown's lease, as was well known in Assynt, was due to expire that year, and the crofters saw their opportunity to get the land back. They petitioned the Duke for the farm,

That your petitioners having been brought up in Clashmore before it was cleared and being now much in need of land, beg to offer your Grace the present rent for the farm. That your petitioners sincerely trust that your Grace will regard us as having a preferable claim to all others to becoming tenants of Clashmore, seeing that we, or our fathers were deprived of it.⁴⁸

⁴⁴ SCRO, D593/K/1/3/72/e, McIver to Kemball, 29 Dec. 1884.

⁴⁵ *Napier Commission Evidence*, William Matheson, 1730.

⁴⁶ *Napier Commission Evidence*, Rev. N. MacKay, 1714.

⁴⁷ Hunter, *Crofting Community*, 131.

⁴⁸ SCRO, D593/K/1/3/70/c, Clashmore tenants to the Duke, 19 Feb. 1884.

This petition makes explicitly clear that the crofters regarded the land under Clashmore farm as inalienably theirs, that it had been taken from them unfairly, that they wanted it back and were willing to pay for it.⁴⁹ The crofters took further steps to ensure they were given the lease by warning off other prospective tenants who visited the farm. One such, a Mr Davis and his wife, visited the farm on the 20th February 1884,

On their arrival there they were met by a crowd of men in number about forty who came up to Mr Davis and presented him with the enclosed note...A spokesman came forward from among them and addressing Davis said he was desired by the Tenants of Clashmore to warn any offerer of Clashmore farm as now held by Brown that the people of Clashmore were determined to get it for themselves and if they did not get it from the Duke they would get it with swords and bayonets and that all the other tenants in Stoer would turn out to assist them if necessary...that if anyone ventured to come and take it he would soon be a corpse.⁵⁰

The letter warned Davis not to take the farm, insisting that if he tried, 'his efforts will be in vain.'⁵¹

It is clear that the end of the Burns Brown lease sparked a renewed effort on the part of the crofters to get the Clashmore land back, but there were two other sources of influence. The first was the spreading agitation across the rest of the Highlands, ignited by the 'Battle of the Braes' on Skye in April 1882. Crofters' rights and grievances were being debated in the highest circles, and the Napier Commission had had a profound effect on the crofters' confidence and organisation. The other source of inspiration came from the Free Church minister of Assynt, Rev. Norman

⁴⁹ The Clashmore crofters regarded the land as theirs, by moral if not legal right. See C. W. J. Withers, 'Give us land and plenty of it: the ideological basis to land and landscape in the Scottish Highlands,' *Landscape History*, 12 (1990), 46-47, 52-53.

⁵⁰ SCRO, D593/K/1/3/70/c, McIver to Kembell, 22 Feb. 1884.

⁵¹ SCRO, D593/K/1/3/70/c, McIver to Kembell, 22 Feb. 1884. See also NLS, Acc. 10225, Crofters, ZN/h, Davis to McIver, 10 Mar. 1884.

N. MacKay. That he was involved is clear from the tactics used by the crofters, in offering the current rent for the farm and abstaining from violence. The ground officer also claimed that MacKay was at the bottom of the new agitation, 'I was then informed by the Ground Officer that this petition was prepared by MacKay the F. C. minister...and that he had been among them and was their advisor in the whole matter...the whole affair was carried by the influence, advice and agitation of MacKay who had a meeting with them a few days before.'⁵²

The crofters wrote to McIver denying a popular rumour that they had threatened the life of Mr Davis, probably under MacKay's advice again.⁵³ The situation at Clashmore remained tense, despite the refutation, and the Assynt ground officer, Robert Ross, was uneasy in the presence of the crofters. McIver, impatient with Ross, reported him as being, 'quite nervous and timid among them and says he has no one to support or assist him.'⁵⁴ Ross would not have an easy time over the next few years, as he was gradually ostracised and later frequently threatened by the Clashmore tenants. He was the walking symbol of the estate among them and it is unsurprising that he became of focus for their wrath. McIver knew his ground officer needed support, especially against the power of Rev. MacKay, like himself a well-educated man, with great moral influence over the crofters. He suggested to Kemball that, 'I think I must go and spend a fortnight in Assynt myself and go among the people to judge for myself, to strengthen and assist the Ground Officer and try to counteract the evil influences doing such mischief among these poor ignorant people.'⁵⁵

McIver may have misjudged his adversary MacKay; it is likely that he actually kept violence off the agenda and looked for a compromise with the estate over Clashmore farm.⁵⁶ He was certainly very active in corresponding with it over

⁵² SCRO, D593/K/1/3/70/c, McIver to Kemball, 22 Feb. 1884 and I. J. M. Robertson, 'The Historical Geography of Social Protest in Highland Scotland, 1914-c.1939,' Unpublished PhD thesis (University of Bristol, 1995), 75.

⁵³ NLS, Acc. 10225, Crofters, ZN/h, Clashmore tenants to McIver, 4 Mar. 1884.

⁵⁴ SCRO, D593/K/1/3/70/c, McIver to Kemball, 22 Feb. 1884.

⁵⁵ SCRO, D593/K/1/3/70/c, McIver to Kemball, 22 Feb. 1884.

⁵⁶ A. MacColl, 'The Churches and the Land Question in the Highlands of Scotland, 1843-1888,' unpublished PhD thesis (University of Cambridge, 2003), 166.

granting land to the crofters.⁵⁷ McIver and Kemball were unhappy that MacKay had set himself up as the mediator between the estate and the crofters, in case he promised them too much, a possibility which could only lead to disappointment and further, perhaps violent, agitation,

I return MacKay's letters herewith. I have considered the contents of these letters - the terms, style and principles of Mr MacKay do not much surprise me from viz. knowledge of his character and ways - but I think they fully justify my caution to you as to the dangers of trusting much to his guidance or statements...Unless he is strictly restrained and limited, he is sure to exceed his commission and be very likely to lead the people astray and raise extravagant expectations in their minds not to be realised.⁵⁸

The estate management was not only concerned about MacKay's power of raising the expectations of the people, but what he could achieve at a more practical level, namely, raising the bulk of the capital the crofters needed for the farm himself.⁵⁹ Kemball, the Duke and Lord Stafford were in principle willing to give the farm to the crofters, but only if they could pay the £500 valuation costs for stock, crops and implements, as well as the £70 rent per annum. It was the lump sum that was the obstacle, as none of the crofters had any capital. Rumour had it that MacKay was going to provide the money himself.

McIver, however, did not agree with his superiors and was unhappy that the crofters should be seen to be rewarded with land after threatening a prospective tenant,

⁵⁷ SCRO, D593/K/1/3/70/c, MacKay to Kemball, 16 May 1884, 7 May 1884, 10 May 1884, 16 May 1884; MacKay to Stafford, 16 May 1884.

⁵⁸ SCRO, D595/K/1/3/70/c, McIver to Kemball, 17 May 1884. See also McIver to Kemball, 22 May 1884; NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 27 Feb. 1884; Crofters, ZN/h, Kemball to McIver, 1 Mar. 1884.

⁵⁹ NLS, Acc. 10225, Crofters, ZN/h, Kemball to McIver, 1 Mar. 1884; SCRO, D593/K/1/3/70/c, McIver to Kemball, 2 Apr. 1884.

No landlord whose tenants would make such an indecent and illegal threat could be inclined to meet a request coming from them with favour or compliance. I anxiously hope the tenants of Clashmore will not further explicate themselves by such enlarged and unreasonable conduct for if they do they will bring down on themselves certain punishment and make enemies to the cause they seek to promote.⁶⁰

McIver was also against giving extensions of land to the crofters on principle; the principle that the crofting system merely generated poverty, and giving more land to crofters would simply spread that poverty over a greater area in Assynt. He pointed out to Kemball that most crofters, and certainly those agitating for land at Clashmore, were penniless, in arrears of rent and with no capital for stock,

The parties signing the Petition are men of no means...these tenants would soon form a nursery for Paupers to be put on the Poor Roll...There are too many small tenants already in Assynt – it will be better to assist some of them to emigrate and to endeavour to consolidate the existing crofts as opportunities occur. Even now many of the tenants object to adding to their crofts because they have no means of stocking them.⁶¹

Kemball was more inclined to attempt some reform and grant crofters land, if it was practical and meant no financial loss to the estate to do so.⁶² He was also made very anxious when the Clashmore case reached the papers, and meetings were held over the 'Evictions in Assynt.'⁶³ Kemball worked hard to prevent bad publicity in the

⁶⁰ SCRO, D593/K/1/3/70/c, McIver to William Matheson, Clashmore tenant, 8 Mar. 1884.

⁶¹ SCRO, D593/K/1/3/70/c, McIver to Kemball, 2 May 1884. See also McIver to Kemball, 2 May 1884, 24 May 1884, 2 Jun. 1884, 8 Jul. 1884, 21 Jul. 1884, 13 Sept. 1884.

⁶² NLS, Acc. 10225, Policy Papers, 195, Kemball to McIver, 27 Mar. 1884.

⁶³ NLS, Acc. 10225, Policy Papers, 195, Kemball to McIver, 18 Apr. 1884. Newspaper cutting enclosed. See also *Oban Times*, 26 Apr. 1884.

press, and was willing to come to terms with the crofters, but they could not meet the valuation price and the farm was eventually re-let to Burns Brown.

The Clashmore crofters did not give up their campaign, however, and they petitioned for land in the old Unapool township, then part of Achmore sheep farm on the north side of the Stoer peninsula. The estate management debated long and hard about letting this land to the crofters; McIver was, unsurprisingly, firmly against it. He argued that the land was unsuitable, 'it is full of rocks and bogs,' and that the people were unsuitable also, 'the truth is that there is not in Assynt any tenants possessing the knowledge or the capital to fit them for being tenants of small pastoral farms.'⁶⁴ McIver argued hard against any land grants, and he and Kemball came very close to a split on the subject. McIver complained that his years of experience and knowledge were being ignored and his authority in the district undermined by the management's unresolved and possibly favourable answers to the crofter's petitions.⁶⁵ The arguments rumbled on through 1885, McIver desperately clinging on to what he believed to be the best system of rule in Assynt, in the face of mounting criticism from Kemball, 'I have ever considered it a kindness towards the crofter population of the district to treat them with firm decision...to let them understand that they must submit to rule. They are Celts and by no other system can order be preserved among them.'⁶⁶ Kemball disagreed, and even though nothing was done practically in granting land, he demanded a change in attitude from McIver,

The negative answer given to every scheme for the amelioration of the condition of the crofters without alternative proposal to the same end is disappointing...Moreover, as I before warned you, the effect of continued inaction on our part must be to bring in

⁶⁴ SCRO, D593/K/1/3/70/c, McIver to Kemball, 8 July 1884; McIver to Kemball, 13 Sept. 1884.

⁶⁵ SCRO, D593/K/1/3/70/c, McIver to Kemball, 8 July 1884.

⁶⁶ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 22 Jan. 1886; see also McIver to Kemball, 19 May 1884.

outsiders, and deprive the Duke's responsible advisors of the control which is essential to a satisfactory issue.⁶⁷

Clashmore was clearly a case in point in Kemball's view; nothing had been done to satisfy the demands of the crofters and the estate management was now ostracised from them and had to rely on Rev. MacKay as an intermediary. McIver and Kemball would never resolve this issue, as Kemball left in 1886, and McIver never wholly reconciled himself to the changed political and legislative world that would come with the 1886 Crofters Act.

The Clashmore crofters saw nothing of these splits, but felt their effect through the inaction of the estate in meeting their demands. After a year of petitions and negotiation, they finally went on rent strike in December 1884.⁶⁸ In doing so, they were following the example of the Skye crofters, but it was not high rents they were protesting about: they were using the strike to show defiance to the estate and as a way to try to force the estate's hand in granting them more land. They certainly succeeded in infuriating McIver, as they continued the strike into 1885, 'it was distressing to witness the change which has come over the people in that parish. Their minds are diseased – in fact agitation and the recent canvas and election excitement has quite demoralised them.'⁶⁹

The 1885 election and Lord Stafford's candidature did have an effect on the situation at Clashmore. As part of his canvass, Lord Stafford visited many townships and promised changes, accepting petitions and passing them on to the factors and Kemball as election promises to be kept. In this spirit, the Clashmore cottars petitioned Stafford for the old Unapool township in Achmore farm, supplemented with a letter from the crofters urging him to grant the land, 'as doing so would free us from a great burden and benefit the petitioners.'⁷⁰ This petition was significant as it was the first sent from the Clashmore cottars, who received even less attention from the estate than the crofters. Their position was a burden on

⁶⁷ NLS, Acc. 10225, Crofters, ZN/a, Kemball to McIver, 3 Jul. 1884.

⁶⁸ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 6 Dec. 1884.

⁶⁹ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 28 Dec. 1885.

the crofters, but had itself been created by Clashmore farm. Their request for land was not extensive and they had chosen Achmore as the ideal site because it was, 'bordering the best fishing loch on the west coast of Glendhu, peculiarly fitted for a crofter fishing population.'⁷¹ The cottars' petition was swiftly followed by one from the crofters, also asking for a land grant.⁷² The estate was able to escape from following up on this promise, by deciding to wait until legislation was passed at Westminster before taking action themselves.⁷³ This suited McIver who was still arguing with Kemball about the extension of crofters' holdings in Assynt generally, but the estate would not be able to push away the problems of the Clashmore cottars for much longer.

In June 1886 the estate management was in a state of flux. Kemball had resigned his Commissionership and it had been taken up by R. M. Brereton, an active manager who moved to Sutherland, the first Commissioner to do so.⁷⁴ McIver soon found out that this close proximity would have its disadvantages. After his arrival, Brereton made regular tours of the county and demanded a detailed history of Clashmore farm.⁷⁵ He visited Clashmore twice to speak to the people; each time, he neglected to take McIver with him, a slight McIver felt acutely.⁷⁶ From this inauspicious start, the relationship between McIver and Brereton would worsen, their conflict centring on Clashmore, and would eventually be the downfall of Brereton in 1889.

In 1886, the Crofters Holdings Act was finally passed. Crucially for the Clashmore crofters, the clauses relating to the extension of crofters holdings were very limited and there was absolutely nothing in the Act to help the position of the cottars. The security of tenure clause perhaps gave the crofters a more secure platform on which to agitate for land, but overall, the Act would only lead to greater frustration for the tenants, against the estate and against the government.

⁷⁰ NLS, Acc. 10225, Crofters, ZN/h, Clashmore cottars to Stafford, 7 Dec. 1885 and Clashmore crofters to Stafford, 4 Dec. 1885.

⁷¹ NLS, Acc. 10225, Crofters, ZN/h, Clashmore cottars to Stafford, 7 Dec. 1885.

⁷² NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 22 Jan. 1886.

⁷³ NLS, Acc. 10225, Crofters, ZN/h, Kemball to Clashmore cottars, 3 Feb. 1886.

⁷⁴ Brereton was also a stringent manager of the estate finances. See Richards and Clough, *Cromartie*, 336, 365 and McIver, *Memoirs*, 120-121.

⁷⁵ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 12 Nov. 1886.

This tension would manifest itself in 1887, but McIver saw earlier signs of trouble, through the continuing refusal of the Clashmore tenants to pay their rents and Land Leaguers gaining places on School and Parochial Boards in Assynt.⁷⁷ Despite disappointment with the 1886 Act, the Clashmore crofters nevertheless applied to the Crofters Commission to have their rents fixed and for land extensions, independently from, and to the alarm of, the estate.⁷⁸

⁷⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 14 Mar. 1887.

⁷⁷ NLS, Acc. 10225, Policy Papers, 216, McIver to Kemball, 9 Jun. 1886 and J. Hunter, 'The Politics of Highland Land Reform, 1873-1895,' *Scottish Historical Review*, 53 (1974), 56 and Hunter, *Crofting Community*, 180-01.

⁷⁸ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 20 Nov. 1886.

1887-1889: Agitation and 'the Last of the Mohicans'

'It is the people's intention to make the farm a complete rag.'⁷⁹

1887 saw the beginning of the worst of the agitation at Clashmore. Similar violence also sprang up in other areas of the Highlands, especially Lewis, after the passage of the Crofters Act, which the estate had been depending on to quell agitation. The Clashmore crofters abandoned their previous policy of negotiating with the estate management, and declared war on it. The estate had been depending on the decisions of the Crofters Commission to quiet the ongoing agitation of the Clashmore crofters, but the initial reaction of the crofters to the decisions being made elsewhere in the Highlands was not what the estate had been hoping for. A meeting of the Stoer branch of the HLLRA resolved, 'that this meeting of the inhabitants of Stoer, Assynt are disappointed, as well as displeased, at the action of the Land Court, in not reducing rents to the prairie value, seeing all improvements were executed by the tenants, and in not cancelling all arrears, and it is our opinion that their decisions are out of harmony with the spirit of the Crofters Act.'⁸⁰ The Clashmore crofters were not satisfied by the decisions of the Crofters Commission, and the cottars received no benefit from them at all. Land hunger was the dominating grievance in Clashmore, and this was not being addressed.

Part of the reason this issue was pushed to one side by the estate management was that it could not come to any internal agreement on what their policy should be. Brereton was still settling in as Commissioner, but it became clear almost immediately that he and McIver would disagree regarding the crofters. McIver wanted to resist all of the crofters' applications to the Commission, but Brereton and the Duke, on the advice of the Scottish Office, put forward the opposite position,

⁷⁹ *Scottish Highlander*, 15 Dec. 1887.

⁸⁰ *Scottish Highlander*, 10 Feb. 1887.

I am sure we shall not be able of ourselves to allay this miserable spirit of agitation amongst so large a crofting community as you have in Assynt. We had better therefore at once take "the bull by the horns," and appeal to the Commissioners to fix fair rents and to deal with the question of arrears. In this we shall be acting, I think, wisely, for we shall only be anticipating this action on the part of the crofters.⁸¹

Brereton further angered McIver by visiting the Assynt district without informing him, an action that was both a snub, and perhaps a reflection of McIver's dire reputation among the crofters, which Brereton wished to dissociate himself from.⁸² Relations between the two were still cordial, but their first major difference was not far off. McIver had for some time been uneasy and angry over the accumulating arrears of the Assynt crofters. He was especially concerned about the Clashmore rents, as he knew they were being withheld deliberately. He wrote to Brereton, and argued that those tenants more than two years in arrear should be served with summonses of removal. Brereton was cautious, 'I find you do not clearly follow my view of the action we should follow in these matters. I wish to avoid playing into the hands of the Land League Agitators, and to work as much as we can upon the lines of the Crofters Act 1886.'⁸³ The Commission had not visited Assynt parish, and would not do so until late 1888, but it was McIver's plan to use the summonses to frighten the crofters into paying up their arrears before the Commission wiped them out,

I do not propose to carry out evictions or to remove anyone served with a Summons of removal until after the Commissioners visit the district, but it is likely some of the parties might...voluntarily give up their holdings or pay...There is a

⁸¹ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 28 Mar. 1887. See also Brereton to McIver, 26 Feb. 1887.

⁸² NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 14 Mar. 1887.

common belief now that the Duke is afraid to issue summons of removal – my wish to have done is to remove this impression [sic].⁸⁴

McIver also assured Brereton that he expected no lawlessness to result from serving any removal summons, and Brereton eventually agreed to the policy. He thought that the collection of overdue rents was a reasonable action, and McIver even suggested the crofters would think it fair also.⁸⁵ The crofters, however, were holding out for a visit from the Crofters Commission, and saw the decision (rightly) as the estate trying to bully them. The removal summons itself was an emotive tool and massively unpopular among the crofting community, especially in Clashmore, where it had been used with devastating effect by the estate only thirteen years before. Its reappearance there would spark off real trouble; the estate management was extremely unwise in going forward with this policy.

On 22nd April 1887 a Sheriff Officer, along with the Assynt ground officer, went to Clashmore to serve the summonses and was deforced.⁸⁶ He was met at Clashmore by fifty or sixty men, the summonses were burnt and the crofters made the Officer, ‘come out and go on his bended knees, promising never to come back that way again on the same errand.’⁸⁷ The G. O., Robert Ross, in an interesting role reversal, was also made to kneel before the crofters. One of the ringleaders in this incident was a cottar-fisherman, Hugh Kerr, who would later become a symbol of the resistance in Clashmore.

This deforcement took the agitation at Clashmore onto a new level. Now the authorities had to step in to deal with the offence, and four crofters, including Hugh Kerr, were cited to stand trial. Brereton did not let the matter rest entirely in the hands of the authorities, however, and in early May he travelled again to Assynt,

⁸³ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 9 Apr. 1887. See also Brereton to McIver, 4 Apr. 1887.

⁸⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 8 Apr. 1887.

⁸⁵ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 8 Apr. 1887.

⁸⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 26 Apr. 1887 and MacPhail, *Crofters War*, 144.

⁸⁷ *Scottish Highlander*, 28 Apr. 1887.

and again, he did not ask McIver to accompany him. McIver was furious and concerned,

I feel hurt that you did not inform me of your intention, as I would have asked to accompany you...The crofters are so given to exaggerate and misrepresent that one must hear all they say with doubt...You could not have done anything more calculated to injure my authority and position here – it is sure to be construed as a want of confidence...this being the first time during the 42 years I have been here that either Landlords or Commissioners came to any part of the district without informing me of their intention and asking me to visit them you must not be surprised that I felt your doing so as a slight and likely to injure my authority and my usefulness here.⁸⁸

McIver was right to be concerned, as Brereton was highly critical of his past management decisions, 'If the statements made to me by some of the Clashmore people are correct, and from what I heard from outside sources and from Mr Gordon and the G. O. I think there must be more or less truth in them, great injustice was done to several of the tenants, when the Clashmore farm was created.'⁸⁹ McIver's fears that Brereton had no confidence in him seemed to be materialising.

Another reason for Brereton's trip was to try to combat the recent visit of Angus Sutherland, Michael Davitt and MacLeod of Gartymore, who stopped off at Lochinver in May to congratulate the Clashmore crofters.⁹⁰ As Brereton warned McIver,

⁸⁸ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 7 May 1887.

⁸⁹ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 6 May 1887.

⁹⁰ A. Newby, 'Shoulder to Shoulder? Scottish and Irish land reformers in the Highlands of Scotland, 1878-1894,' unpublished PhD thesis (University of Edinburgh, 2001), 257, 276-7, 290-92.

The people I have seen have told me that they never see the Duke, or Ducal family now, or the Commissioner and that their only apparent friends are the Agitators...Michael Davitt, Angus Sutherland, John MacLeod of Gartymore, the Free Church minister...were all revelling on Wednesday last at Lochinver on the result of the Clashmore incidents and these men will soon get the heather on fire, if the Estate Management and the Government are not prudent and watchful.⁹¹

Despite Brereton's conciliatory tactics, the agitation at Clashmore was now gathering momentum. Supported by important figures such as Sutherland and Davitt, and with the 'King of Scourie' apparently gagged, the Clashmore crofters were ready to resist. Their next opportunity came in late May when the unfortunate Alexander Sandieson, local Police Constable, was ordered to serve writs on the crofters who had been involved in the April deforcement to stand trial at Dornoch. He managed to serve two writs before the crofters realised what he was doing and, 'the women turned out in full force.'⁹² The writs were burned in front of him, and he was told to leave or be thrown in the river. He left, declaring himself deforced.⁹³

By deforcing another official, the Clashmore crofters were demonstrating pure defiance to the estate and authorities, and highlighting their advantages in a remote area. They could rarely be taken surprise and were a good thirty miles on poor roads from the nearest centre, Lochinver. The authorities recognised the practical difficulties, but also the necessity to impose some order.⁹⁴ The Under-Secretary for Scotland was determined that the offences should not go unpunished, 'I think that we have treated these viragos too chivalrously in the past – and that we should, in this case...make an example of some of them.'⁹⁵ It would be difficult to enforce this command, however; of the four Clashmore men who were cited to appear for trial

⁹¹ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 6 May 1887. See also, Brereton to McIver, 9 May 1887 and *Scottish Highlander*, 12 May 1887.

⁹² *Scottish Highlander*, 26 May 1887.

⁹³ *Scottish Highlander*, 26 May 1887. Also NAS, Lothian Muniments, GD40/16/4, Constable Sandieson to Sheriff Cheyne, 23 May 1887.

⁹⁴ MacPhail, *Crofters War*, 145.

in Dornoch in June for the original April deforcement, only one turned up. The Sheriff was even unable to make an example of him, as he had a defender in none other than the Duke of Sutherland himself,

Just as the Sheriff was about to pass sentence, His Grace the Duke of Sutherland, who was present in the Court, requested the opportunity of interposing on behalf of the panel. His Grace said that considering MacKenzie had surrendered himself, and submitted to the law by accepting the citation in a peaceable way...he wished to express the hope that his lordship would make the sentence as lenient as possible, for he felt convinced that MacKenzie did not of his own accord really mean to break the law, but whatever he did was prompted by outside influence – by people who, while professing to be friends of the crofters, were really their worst enemies – and he thought a lenient sentence would adequately meet the circumstances of the case and have a good effect.⁹⁶

This may have been wishful thinking on the part of the Duke, but the Sheriff did take note of his words, and sentenced MacKenzie to only fifteen day's imprisonment.⁹⁷ If this was intended to try to calm the agitation in Clashmore by presenting the estate management as sympathetic to the crofters, it failed.⁹⁸

The authorities were determined to bring the three remaining April deforcers to trial and the Procurator-Fiscal wrote to them, 'to make known to you the following distinct and final message from the authorities, in the hope that even yet you may realise the gravity of your position,' and informed them that if they persisted in evading the authorities they would be sent to Edinburgh for trial.⁹⁹ When Constable

⁹⁵ NAS, GD40/16/4, Francis Sandford to Lord Lothian, 27 May 1887.

⁹⁶ *Scottish Highlander*, 2 Jun. 1887, and MacPhail, *Crofters War*, 144.

⁹⁷ *Scottish Highlander*, 2 Jun. 1887.

⁹⁸ What the Duke's other possible motives for this action were is not clear: there are no sources other than this for the trial.

⁹⁹ *Scottish Highlander*, copy of Procurator Fiscal's letter to the Clashmore deforcers, 23 Jun. 1887.

Sandieson went to Clashmore to serve citations against the three deforcers who remained at large, he was attacked by Hugh Kerr and a group of women, who stripped him and took the citations.¹⁰⁰ Soon after this, in July, another of the deforcers, George Matheson, was arrested and tried at Dornoch, receiving twenty-one day's imprisonment.¹⁰¹ This still left Hugh Kerr at large, and, as the estate saw it, a focus for agitation in the township.

The summer was relatively quiet in Clashmore, as most of the men were at the fishings, but in September, disorder was renewed on a visit by the Duke to the Stevenson lighthouse on Stoer Point. The Duke and Brereton remained blissfully unaware that while they returned home, their police escort behind them were, 'assaulted by a shower of stones from boys, while most of the men of the township [Clashmore] looked on with approval!!'¹⁰² This episode is significant as it was the closest the Duke came to being attacked. It may be that the Clashmore people were expressing their displeasure with the Duke, without actually daring to attack him, or they purposely chose not to attack him despite being offered the opportunity, or it may be that they had only set out to frighten the police off. The lead stone-thrower was none other than, 'a son of Hugh Kerr who is wanted by the authorities and the Policemen could have taken him...but if they had touched him the crowd of men looking on would have rescued him at once. This shows the animus of the Clashmore people.'¹⁰³

After this incident there was a lull in the violence at Clashmore, and the cottars made a sudden and unexpected move; they petitioned the estate for more land, again at Unapool. This surprising reversal of tactics stemmed from the fact that cottars had no rights under the Crofters Act, and still had to apply to the estate for land. McIver realised this, and thought it sufficient reason to reject their application, 'I think it proper to state that the Crofter Commissioners are not likely to undertake any reference to them on the subject of Cottars...Additional land or

¹⁰⁰ *Scottish Highlander*, 2 Jun. 1887.

¹⁰¹ *Scottish Highlander*, 28 Jul. 1887.

¹⁰² NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 24 Sept. 1887.

¹⁰³ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 24 Sept. 1887.

new holdings can only be given to Crofters.’¹⁰⁴ This of course did not prevent an estate from independently coming to an agreement with cottars, but McIver quickly pointed out that Unapool would be a bad site, ‘these people would be sure to injure the shooting held by Mr Whitehead and would be very disagreeable neighbours for the Duke of Westminster.’¹⁰⁵ The cottars may have chosen to reapply for Unapool because they regarded the estate as on the defensive and weak, but the estate was calculating on the influence of the Crofters Commission to keep the Clashmore crofters in line, ‘I do not think the Clashmore crofters will take forcible possession of Oldany... [Oldany was part of Ardvar, previously Unapool] as they know well enough that that course would not help them with the Crofters Commission.’¹⁰⁶ Brereton was right that the cottars would not take Oldany, but he had never been more wrong about the ‘course’ the crofters would take.

November 1887 would see the worst of the agitation at Clashmore. That month saw the transfer of the Clashmore farm lease to David MacBrayne, who had decided to take Lochinver Hotel as a useful supplementary business to his shipping concerns. He was to have little success with the farm, however, from the very moment he took it, ‘The people of Clashmore and Achnacairn interfered with the valuation and transference of Clashmore farm to Mr MacBrayne on Friday and that on Saturday the Clashmore tenants in a body broke into the Parks at Clashmore farm and drove in their cattle in a body.’¹⁰⁷ The Clashmore people’s raid on the farm was an assertion of ownership of the land, if not in a legal sense then in a moral one, and was also a warning to the new tenant that they were determined to have the land. The crofters had, ‘marked out lots for themselves on the land with stones taken from the dykes.’¹⁰⁸ They quickly withdrew their cattle from the Clashmore parks, but their statement of intent had been made. A few days later on the 24th November, the Clashmore farm steading, mill and offices were set on fire,

¹⁰⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 11 Oct. 1887.

¹⁰⁵ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 11 Oct. 1887.

¹⁰⁶ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 29 Oct. 1887.

¹⁰⁷ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 21 Nov. 1887.

¹⁰⁸ SCRO, D593/P/24/7/11, cutting from *Scotsman*, 6 Dec. 1887.

causing massive damage.¹⁰⁹ The estate, to its intense frustration, could do little to identify the perpetrators or bring them to trial, despite the damage being estimated at £1000. The Duke, however, seemed unconcerned, writing in his diary for that day, 'Doing well. Clashmore farm burnt down.'¹¹⁰ Two of the May deforcers were tried at Dornoch, but this small victory was overshadowed by the fire and the continued freedom of Hugh Kerr.¹¹¹

Meanwhile, the estate management became involved in an argument with the authorities over whether the raid on the farm in November was a civil or a criminal offence. The estate management regarded it as a criminal one, and the Lord Advocate agreed, 'I have seen the Lord Advocate and he quite agrees with me that if the Clashmore and Achnacarrin people assembled in their numbers and forcibly drove their cattle into this farm, in a masterful and lawless manner...it was a criminal and not a civil case.'¹¹² Both the Sheriff of the County, Cheyne, and the Sheriff Substitute, William MacKenzie, disagreed, however, and it was treated as a civil case, to the immense frustration of the estate. The friction between the estate and the authorities was further increased in December when a row broke out over the serving of Interdicts on the Clashmore crofters. This the estate had tried to do by post, as it seemed clear that a Sheriff Officer would be deforced if an attempt in person had been made. The Interdicts were duly sent, but the crofters refused to accept them or open them and they remained officially unserved. The estate lashed out, looking for someone to blame.¹¹³ They focussed on Sheriff MacKenzie and their own lawyer in Sutherland, G. G. Tait. Brereton and McIver suspected that they were sympathetic to the crofters' demands and Brereton considered the Sheriff to be more concerned about his public image than upholding the law in Sutherland,

There is much mischief brewing, and this is why I am so annoyed
with the authorities for not dealing with these Clashmore outrages

¹⁰⁹ SCRO, D593/P/24/7/11, cutting from *Scotsman*, 6 Dec. 1887. See also, *Scottish Highlander*, 24 Nov. 1887.

¹¹⁰ SCRO, D593/P/24/4/A. 79, Diary of the 3rd Duke, 1887.

¹¹¹ *Scottish Highlander*, 10 Nov. 1887.

¹¹² NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 1 Dec. 1887.

¹¹³ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 5 Dec. 1887 and 9 Dec. 1887.

more speedily and upon the criminal procedure. Both Sheriffs are so funky of incurring any personal liability, as Sheriff Ivory's case has so frightened them...I am afraid both Tait and Sheriff MacKenzie sympathise with the Clashmore people.¹¹⁴

Despite the doubts of the estate management, the authorities were in fact active, if unsuccessful, in Clashmore through December. On 1 December, the gunboat *Jackal* sailed to Assynt, with the object of arresting Hugh Kerr, 'the man whose capture I was chiefly anxious to effect, as, not only was he according to my information the ringleader in the deforcement which occurred in April last, but he is also reported to me as being one of the leading agitators in the district.'¹¹⁵ Without the element of surprise, however, they failed to find him. They had attempted to land at Clashmore, but the weather was too rough, and they had landed at Lochinver instead. As reported in the *Scottish Highlander*, this gave Kerr warning, and he, 'bolted up the hill.'¹¹⁶ The authorities were embarrassingly shown up as being unable to arrest one man, but it was an almost impossible task. The remoteness of the district meant the crofters could rarely be taken by surprise, and they posted boys as lookouts on the surrounding hills as an extra precaution, perhaps to match the constant police watching of the area.¹¹⁷ Reports coming into the Scottish Office from local policemen were not reassuring, one stating that, 'the people of Clashmore are as determined as ever, and more determined than ever to protect Hugh Kerr and that Kerr is determined to defy the law ...[and] the people would fight although there would be fifty policemen there.'¹¹⁸

While reports flew back and forth and discussion continued as to how to catch Kerr, the situation at Clashmore was spiralling out of control. Dykes were broken on the farm and the crofters had been regularly running their stock onto the

¹¹⁴ NLS, Acc. 10225, Policy Papers, 198, Brereton to McIver, 24 Dec. 1887. Brereton's comments referring to the wretched Sheriff Ivory reflected the intense criticism he had recently undergone with reference to his law enforcement activities on Skye in 1885-6: see MacPhail, *Crofters War*, 198-99.

¹¹⁵ NAS, AF67/36, Report by Sheriff Cheyne on recent expedition to Clashmore, 3 Dec. 1887.

¹¹⁶ *Scottish Highlander*, 8 Dec. 1887.

¹¹⁷ MacPhail, *Crofters War*, 145.

¹¹⁸ NAS, AF67/36, Report P.C. George Murray to Sheriff Cheyne, 5 Dec. 1887.

parks.¹¹⁹ On 15 December, James Gordon, sub-factor, along with the farm grieve, Donald Forbes and MacBrayne's clerk, Angus Kerr, were on Clashmore farm, trying to point the invading cattle in order to identify who had breached their interdicts, when they were attacked by a group of women and men dressed as women. Gordon got a black eye in the ensuing brawl, and they were eventually chased off the farm entirely.¹²⁰ The attack on Gordon signalled the estate's lowest point in Clashmore.¹²¹ The authorities were not faring much better: twelve Police Constables had been stationed at Clashmore to watch for further lawbreaking and to try to formally identify the perpetrators, but they were themselves assaulted, 'a serious attack had last night been made by crofters on the lodgings occupied by the Police which had been battered with stones...and that another attack was expected tonight.'¹²² McIver boiled in frustration, and blamed the mess on Sheriff MacKenzie, 'for any advice we could give would not be taken by the Sheriff.'¹²³ He was also concerned about Gordon after the attack, believing that he had lost his confidence, informing Brereton that, 'he requires not only the material but all the moral support we can give him.'¹²⁴ Gordon's position was certainly not enviable, as he was the focus of the Clashmore crofters' anger as the representative of the Sutherland estate in the township. As Lord Stafford put it, 'I know it is hardly possible for a Factor to be loved by these poor people, such as many of those who live in the Stoer district.'¹²⁵ Gordon was also abandoned by the Assynt ground officer, Robert Ross. Ross was even more exposed than Gordon, coming from the crofter class, and therefore seen as a greater traitor. At the end of December he wrote to McIver, 'resigning his situation because he is in peril of his life...You will

¹¹⁹ NAS, AF67/36, Report P.C. George Murray to Sheriff Cheyne, 10 Dec. 1887.

¹²⁰ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 16 Dec. 1887 and 17 Dec. 1887. Also, Policy Papers, 198, Brereton to McIver, 17 Dec. 1887; *Scottish Highlander*, 22 Dec. 1887; NAS, AF67/36, Sheriff Cheyne to Lord Lothian, 16 Dec. 1887; NAS, AF67/37, Report P.C. Murray to Sheriff Cheyne, 17 Dec. 1887.

¹²¹ Concern and outrage rippled through the estate management on receiving news of the attack. See NAS, GD 305, Estate Correspondence, 1890, Gunn to Brereton, 11 Jan. 1888 and Richards and Clough, *Cromartie*, 327.

¹²² NAS, AF67/37, Sheriff Cheyne to Under-Secretary for Scotland, 22 Dec. 1887.

¹²³ NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 24 Dec. 1887.

¹²⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 17 Dec. 1887.

¹²⁵ NLS, Acc. 10225, Policy Papers, 201, Lord Stafford to McIver, 23 Jan. 1889.

observe Gordon confirms the statement, he has cause as he was assaulted.¹²⁶ Gordon must have felt completely exposed by late December 1887; he had been attacked by the crofters and none had yet been arrested, his ground officer had resigned in fear of his life, and the twelve policemen who had been stationed at the farm were withdrawn at the end of the month, to the confusion and fury of the estate management.¹²⁷ Additionally, the nine watchers hired by the estate to patrol the Clashmore farm buildings at night, 'told Mr Gordon that they were not to watch any longer as they were afraid of their lives.'¹²⁸

1887 had been a bad year for the Sutherland estate in Clashmore. The 1886 Crofters Act had failed to satisfy the Clashmore crofters. Their demands were very specific; Clashmore farm for the crofters and part of Ardvar farm for the cottars, but their agitation tapped into wider grievances and resentment against the estate, demonstrated by the attacks on Gordon and Ross. The crofters were defying the rule of the estate, which had led them only to poverty, rent increases and the removals of the 1870s. McIver was in no doubt as to who was behind the agitation, 'it is the children of the parents [who were evicted in the 1870s] who are now giving so much trouble at Clashmore.'¹²⁹ The leadership of this bout of agitation was confused; certainly, Rev. MacKay had little or nothing to do with it, after his negotiations with the estate in 1884 failed to come to fruition. Like many Free Church ministers in the Highlands in this period, he may not have wished to condone any violence and took on a conciliatory role instead.¹³⁰ Hugh Kerr was certainly the symbol of the agitation, but his long absences on the run from the authorities meant that he could have provided little real practical leadership after May 1887. It seems that much of the agitation was spontaneous or opportunistic in nature and led by women, notably Kerr's wife Mary, and they used tactics common

¹²⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 30 Dec. 1887.

¹²⁷ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 14 Feb. 1888; Farms, Clashmore 1873-1888, Brereton to McIver, 7 Feb. 1888; NAS, AF67/38, Sheriff MacKenzie to Lord Lothian, 7 Jan. 1888.

¹²⁸ NAS, AF67/37, Report P.C. Murray to Sheriff Cheyne, 17 Dec. 1887.

¹²⁹ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 23 Jan. 1888.

¹³⁰ MacColl, 'The Churches and the Land Question,' 166 and Robertson, 'Historical Geography,' 27-29.

across the Highlands at this time: deforcement, running stock onto farm land and dyke breaking.¹³¹

The estate was frustrated with the authorities' failure to resolve the difficulties at Clashmore, but they were in a difficult situation. Clashmore was set in a wider context of agitation elsewhere in the Highlands, in Skye, Tiree and especially Lewis. The bulk of the agitation in Clashmore was concurrent with that on Lewis, at the Park Deer Forest (November - December 1887), and the farm of Aignish (January 1888). The authorities had all these areas to deal with, straining limited resources, and had to be seen to be punishing criminal activity, while avoiding accusations of heavy-handedness. Overall, the strategy of the authorities seemed to have been reactive, rather than pro-active, and there was no fixed long-term plan for Clashmore, unless of course, the estate granted the crofters what they wished. The local Police Constables, who were on the 'front line' certainly suffered the same difficulties as Gordon, facing personal attack and intimidation.¹³² P.C. Murray was told that if he or P.C. Sandieson were seen in Clashmore they would be, 'stripped of our clothing and driven home naked.'¹³³ By January 1888, it seemed as if the Clashmore crofters well and truly had the upper hand.

In that month, the authorities made another attempt to capture Hugh Kerr with a gunboat and marines. They failed in this, but did make four other arrests, for mobbing and rioting and the assault on Gordon the previous month.¹³⁴ Two of those arrested were women, and one of these was Mary Kerr, the wife of Hugh. Each made a declaration as to the charges brought against them, and Mary Kerr stated in hers that, 'it was on account of the Clashmore land having been taken from the Clashmore tenants, that I threw the mud at Gordon and the others.'¹³⁵ It is clear that the agitation was still motivated by the creation of the farm, although the general aims of the land reform movement were very similar. The authorities tried other

¹³¹ For more on the role of women in the Highland land agitation see I. J. M. Robertson, 'The role of women in social protest in the Highlands of Scotland, c. 1880-1939,' *Journal of Historical Geography*, 23 (1997), 194-96 and 'Historical Geography,' 36-38.

¹³² NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 24 Dec. 1887.

¹³³ NAS, AF67/37, Report P.C. Murray to Sheriff Cheyne, 17 Dec. 1887.

¹³⁴ *Scottish Highlander*, 5 Jan. 1888.

¹³⁵ NAS, JC26/1888/202, declaration of Mary Kerr, 29 Dec. 1887. See Withers, 'Give us land,' 52-53.

tactics besides gunboats. In January 1888, Angus Sutherland visited the township to try to convince the crofters to do a deal, but McIver reported, 'Sutherland did no good at Clashmore – the people kept quiet when he was there and poured out their grievances and their ill-usage to him.'¹³⁶

There had been no trouble at Clashmore since the attack on the Police in December 1887: serious friction had instead transferred into the estate management. McIver and Brereton had been in disagreement over whether to grant land to the Clashmore crofters for some time, but open hostilities broke out in January 1888. Brereton visited Clashmore with Angus Sutherland, 'without myself or Gordon, but he accomplished nothing. I heard they spoke most violently to him and also that they abused myself and Gordon violently for doing our duty and opposing them.'¹³⁷ This was the third time Brereton had slighted McIver in this way, and it precipitated a major fallout between the two men. Brereton was in favour of grants to law-abiding crofters, to satisfy their demands and halt the agitation.¹³⁸ He became frustrated with McIver's unbending views on land grants to crofters, arguing – fruitlessly – that the agitation would continue until the estate made some concessions,

It is the duty and the business of the Estate Management to try and find out what is best for the people as well as for His Grace's interests, both present and future. Nothing can be worse for the estate than a chronic feeling of discontent and spirits of mischief. It would become like the west coast of Ireland, if we did not take care. I cannot get you to realise the fact that legal force is no remedy. The disease will go on smouldering and flare out from time to time. The Sheriffs and the authorities are clearly averse to taking any active measures, and mischief, which cannot be remedied, is done before any precautionary measures are taken by

¹³⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Wright, 17 Jan. 1888; 200, Wright to McIver, 9 Jan. 1888 and 14 Jan. 1888.

¹³⁷ NLS, Acc. 10225, Policy Papers, 216, McIver to Wright, 17 Jan. 1888.

¹³⁸ NLS, Acc. 10225, Policy Papers, 200, Brereton to McIver, 6 Jan. 1888, 25 Feb. 1888.

the authorities. We are, therefore, left entirely to ourselves to work out a remedy for the bad and lawless feeling which you say is common to all. Your gospel appears to be no forgiveness, no enlargement of existing crofts and nothing but the cold steel. This won't do in the present age.¹³⁹

Brereton worked hard to impose his authority on McIver, a difficult task for someone facing an estate official used to getting his own way for nearly fifty years. Brereton made frequent reference to 'changed times' and the 'present age,' identifying McIver as a relic of the past, unable to realise that he could not wield the same power as he used to, 'You should not worry about the policy I, as Commissioner, think to follow out in these days of discontent and agitation. In these days it is not the business of the Estate Management to add to the punishment which the authorities may inflict; or to visit the sins of the Father upon the children.'¹⁴⁰

McIver was extremely anxious over the matter of land enlargements and over his role in the original Clashmore removals. Brereton had made it clear to him that he supported the crofters' assertions that they had been ill treated, laying the blame for the current agitation at McIver's door. McIver was jolted into putting together a hasty defence, which did little to improve Brereton's opinion of him, 'I cannot help feeling very anxious about all matters connected with this farm – considering how much I have been mixed up with it I must be much interested in all that occurs regarding it – and the future action of His Grace's advisors in regard to it. No one connected with the estate liked the Removal policy.'¹⁴¹ But despite some guilty doubts, McIver had spent the past decade fighting tooth and nail against any croft extensions in Assynt and would continue to do so.¹⁴² The stand-off could not long continue, and, in June, McIver was threatening to resign rather than be involved in

¹³⁹ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Brereton to McIver, 8 Feb. 1888.

¹⁴⁰ NLS, Acc. 10225, Farms, Clashmore 1873-1888, Brereton to McIver, 21 Jan. 1888.

¹⁴¹ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 23 Jan. 1888.

¹⁴² NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 9 Jan. 1888, 26 Jan. 1888, 12 Apr. 1888. McIver's attitude was common to many factors of Highland estates faced with new demands from the crofters: see Richards and Clough, *Cromartie*, 298, 300-01, 338.

giving land to the crofters, 'I would prefer to resign my factorship rather than be a party to such measures or be any hindrance to you carrying them out. I thought after what happened at Clashmore it was not a time to grant concessions to the crofters, and this led me to express my dissent to you.'¹⁴³ The Duke and his London staff sided with McIver and Brereton was forced to resign in June 1888, unable to come to any agreement with the oldest and most respected factor on the estate. Ironically, it was after Brereton's departure that the estate granted land to the crofters through the Crofters Commission.

The tense situation in January 1888 between Brereton and McIver was not improved by a renewal of agitation at Clashmore, this time in a sustained campaign of dyke-breaking. This was a tactic common across the Highlands, and the crofters' reasoning was that they would harry the farm until the tenant gave it up as a losing concern, forcing the estate to give it to them.¹⁴⁴ The estate estimated that 1000 yards of dykes were broken over January and February 1888, all of which had to be repaired to honour the lease with Mr MacBrayne.¹⁴⁵ It drove McIver to distraction, as there was nothing the authorities could do except suggest the estate offer a reward for information as to the perpetrators. Of course, no informers came forward, and the estate was left with the cost of the repairs.

In February 1888, McIver would receive some consolation, as this was the month the Clashmore crofters arrested for attacking Gordon in December 1887 were brought to trial in Edinburgh. They were tried at the High Court of Justiciary together with the Aignish rioters from Lewis.¹⁴⁶ Although the crimes the two sets of crofters were charged with were different, and the scale of the 'Battle of Aignish' was much larger than the incidents at Clashmore, the two were linked in public comment. The *Scotsman* in its editorial on the trials certainly saw the cases as

¹⁴³ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 16 Jun. 1888.

¹⁴⁴ *Scottish Highlander*, 15 Dec. 1887. Many tactics used by the Clashmore crofters were the same as those used elsewhere in the Highlands: see Hunter, *Crofting Community*, 141.

¹⁴⁵ NLS, Acc. 10225, Policy Papers, 200, Brereton to McIver, 28 Feb. 1888; 216, McIver to Brereton, 28 Jan. 1888, 2 Feb. 1888, 3 Feb. 1888; Farms, Clashmore 1873-1888, John Munro, Clashnessie Ground Officer to McIver, 1 Feb. 1888, Brereton to McIver, 2 Feb. 1888.

¹⁴⁶ NAS, JC26/1888/202, AD14/88/225, JC8/82 and JC4/84. See also MacPhail, *Crofters War*, 207-10 and Robertson, 'Historical Geography,' 62.

similar, as both were perpetrated by cottars rather than crofters.¹⁴⁷ This was certainly true in the case of Aignish, but in Clashmore, crofters as well as cottars were involved in the agitation. The Clashmore crofters were tried under Lord Craighill, who had little sympathy for their grievances and dished out sentences of unprecedented severity, ranging from nine to fifteen months each.¹⁴⁸ In reading the sentences, Lord Craighill especially castigated the women for their part in the violence, characterising it as, 'unwomanly and degrading.'¹⁴⁹ The Clashmore women had always played a principal part in incidents at the farm, possibly for the simple reason that the men were often away at the fishing or cutting peats. Their prominent role was recognised elsewhere; on a visit to Lochinver, Michael Davitt praised the Clashmore women, 'saying if he had been a poet he would commemorate the names of those Highland women in verse.'¹⁵⁰ A fellow countryman, who had emigrated to South Africa went a step further and sent two medals to Mary Kerr and Johan MacLeod, 'for their bravery at Clashmore, Sutherlandshire, Scotland, 15 December 1887, wishing them long life, health and happiness...and considers them far superior to the Duchess of Sutherland that is brought up on Ill Got in Dunrobin Castle.'¹⁵¹

Reaction to the Clashmore sentences was diverse. The *Scotsman* was triumphant, as the sentences upheld the rights of property, 'Is it to be held, not only that violence is lawful to get other people's property...is this the new morality to which we are coming? Or rather, are we drifting back to the old bad morality of Pre-Christian and pre-civilization times?'¹⁵² The *Scottish Highlander* called the sentences, 'cruel,' and blamed their harshness on, 'the sacred interests of landed property.'¹⁵³

The estate was cautiously optimistic about the effect the sentences might have on the situation at Clashmore. McIver was concerned that the people would be so

¹⁴⁷ *Scotsman*, 4 Feb. 1888.

¹⁴⁸ *Scotsman*, 4 Feb. 1888.

¹⁴⁹ *Scotsman*, 4 Feb. 1888.

¹⁵⁰ *Scottish Highlander*, 12 May 1887.

¹⁵¹ *Scottish Highlander*, 7 Jun. 1888.

¹⁵² *Scotsman*, 4 Feb. 1888.

¹⁵³ *Scottish Highlander*, 9 Feb. 1888. See also SCRO, D593/P/24/7/11, cutting from *Inverness Courier*, 3 Feb. 1888.

angry with Gordon, who gave evidence at the trial, that he might be in personal danger, 'I wish they may have the effect of quieting[?] these mad infatuated people from further mischief – I may say that I fear it may have the opposite effect and Gordon will require to be careful not to expose himself to their fury.'¹⁵⁴ Gordon may not have been the most popular man in Clashmore after the trial, but neither had he been before and he suffered no more harm. In fact, he cheerfully reported a few weeks later that, 'I am pleased to say that the general opinion of the district is that the late Edinburgh sentences have had an excellent effect on the parish.'¹⁵⁵ The estate would not be completely free of trouble, as in late February a further 800 yards of dykes at Clashmore were pulled down.¹⁵⁶ The motivation for this action was unclear; it may be that the crofters were showing their displeasure at the sentences or reminding the estate that their demands had not yet been met. It certainly frustrated and disappointed McIver, as no one could be caught or tried for this type of offence, despite the expense it created. Perhaps Brereton's assertion that the law alone could not solve the estate's problems was becoming evident to him.¹⁵⁷

Clashmore was further calmed by the arrest of Hugh Kerr in August 1888, after eighteen months on the run. It was reported that he effectively gave himself up, perhaps because his wife Mary Kerr had recently been released early, along with the other Clashmore prisoners.¹⁵⁸ The pair made a triumphant tour around Sutherland and were treated to a heroes' welcome, to the disgruntlement of the estate management, 'Did I think they were in the least penitent I should rejoice...but there is no evidence of this on their or their supporters part and as we are compromised – thereby I am disgusted.'¹⁵⁹ McIver was in agreement and tried to cheer Gordon up, 'If in your position I would think very little about it, for the poor creatures never heed a severe punishment.'¹⁶⁰ Hugh Kerr was tried at Dornoch in December, and in spite of his infamy, received a sentence of only sixty days'

¹⁵⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 4 Feb. 1888.

¹⁵⁵ NLS, Acc. 10225, Factor's Correspondence, 1972, Gordon to McIver, 20 Feb. 1888 and Policy Papers, 216, McIver to Brereton, 5 Apr. 1888.

¹⁵⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Brereton, 21 Feb. 1888.

¹⁵⁷ MacPhail, *Crofters War*, 210, 222.

¹⁵⁸ *Scottish Highlander*, 16 Aug. 1888.

¹⁵⁹ NLS, Acc. 10225, Factor's Correspondence, 1972, Gordon to McIver, 9 Aug. 1888.

¹⁶⁰ NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 10 Aug. 1888.

imprisonment, a good eight months less than his wife received.¹⁶¹ The *Scottish Highlander* remarked that, 'Kerr was thankful for small mercies.'¹⁶²

Another reason for the reduction in agitation was the visit of the Crofters Commission to Assynt, in December 1888. The Commission had been originally expected to sit in June 1888 but postponed its visit until the crofters were back from the fishings.¹⁶³ McIver suspected that the Commission had another reason, 'William Hossack [sic] one of the Commissioners is a nephew of the late Kenneth Maney's[?] and a very old acquaintance of mine. He said that owing to the Clashmore riots they have to be very careful, and that they hesitate on that account to go on. Evidently afraid of public opinion.'¹⁶⁴ This delay was good for the estate, although it was keen to benefit from the calming influence of the Commission. In June, Brereton was in the process of leaving and refusing to help McIver with the necessary paper work, so far had relations between them broken down. He wrote to the Duke, in a royal rage, 'Mr McIver has written to beg me to help him out in Assynt before the Crofters Commission – he seems to have entirely flopped round to my views at the 11th hour...I am not going to give him my own notes and manuscripts for him and Tait to work on at my expense.'¹⁶⁵ The estate management was a mess just when it needed to be united and effective. The resignation of Brereton and the Duke's lack of interest meant that McIver had a free hand and unsurprisingly he proposed to oppose every application for extension of land in Assynt, despite all that had occurred in the past two years. As for Clashmore, he said, 'There is no land that could be given or added to this township, unless it be taken from Clashmore farm, but even if there was land available, it would be objectionable to give it to such lawless people as there are in this township have proved themselves to be [sic].'¹⁶⁶

¹⁶¹ *Scottish Highlander*, 11 Oct. 1888.

¹⁶² *Scottish Highlander*, 11 Oct. 1888.

¹⁶³ NLS, Acc. 10225, Policy Papers, 216, McIver to Duke, 27 Jul. 1888; NAS, AF67/9, Under-Secretary for Scotland to Sheriff Brand, 14 Jun. 1888.

¹⁶⁴ NLS, Acc. 10225, Policy Papers, 216, McIver to Duke, 27 Jul. 1888.

¹⁶⁵ NLS, Acc. 10225, Policy Papers, 200, Wright to McIver, 12 Jun. 1888.

¹⁶⁶ NLS, Acc. 10225, Policy Papers, 216, McIver to Duke, 30 Jun. 1888.

By late 1888, McIver had not changed his views, but the Commission wanted a division and there was little he could do.¹⁶⁷ The Crofters Commission was a more conciliatory legal body than those the crofters had encountered before, and held out hope for real change that the estate could not manage by itself. The sittings of the Commission were a trial and a shock to McIver, who genuinely thought the Clashmore crofters had no grievances and that their demands were unreasonable. He came face to face with his real reputation at the sittings, however;

We have had a bad time of it here before the Crofter Commissioners for the last few days...Clashmore has been a trying subject and grievances and cruel treatment described by people on oath made me stare – shocked me more than I can express, for I had never heard of many of them before. I discovered from what occurred before the Commissioners that they were disposed to concede a slice of the west side of Clashmore farm. This includes a pasture park of 20 acres and arable field of 10 acres below it down to the Loch and about 30 or 40 acres of the hill pasture opposite.¹⁶⁸

Despite McIver's best efforts, the Clashmore crofters had finally gained back some of the land under Clashmore farm.¹⁶⁹

In fairness to McIver, he had the Duke's and the tenant's interests to look after. McIver was worried that after all the damage the crofters had inflicted on the farm, this division by the Commission might be the last straw for his long-suffering tenant. MacBrayne was not to be budged, however, and was very patient, both with his neighbours and the estate's slow rate of repairs.¹⁷⁰ Gordon characterised his

¹⁶⁷ McIver remained bitter about this decision: McIver, *Memoirs*, 80-81.

¹⁶⁸ NLS, Acc. 10225, Policy Papers, 216, McIver to MacBrayne, 7 Dec. 1888; McIver to Wright, 30 Nov. 1888; 217, McIver to Stafford, 11 Dec. 1888; Factor's Correspondence, 1958, McIver to MacBrayne, 12 Dec. 1888, McIver to Crofter Commission, 12 Dec. 1888.

¹⁶⁹ PP1889 LX, Second Report of the Crofters Commission, 10-11, 130.

¹⁷⁰ NLS, Acc. 10225, Factor's Correspondence, 1972, Gordon to McIver, 4 Feb. 1888, 21 Mar. 1888.

attitude as, 'rather careless.'¹⁷¹ MacBrayne was satisfied to keep the lease at a small reduction of £10 per year, as fixed by the Commission. McIver was certainly relieved that they had not lost their tenant altogether, which would have not only entailed financial loss, but perhaps would have had the effect of renewing crofter agitation for the rest of the farm.¹⁷²

By the beginning of 1889, the main phase of agitation at Clashmore was over, but the township remained problematic. Firstly, the land hunger of the cottars had not been dealt with and secondly, the Clashmore crofters were unhappy with the decision of the Commission, especially with the levels of rent fixed on their new pasture and with the fences they were required to build before they could use it. The crofters were frustrated and hesitated over accepting the decisions,

It was only last week we got their [the Crofters Commission] decisions which they at the same time intimated to the crofters – who have been much disgusted on receipt of this. They expected the Commissioners would have put little or no rent on this additional pasture and numbers of them declare they will not take possession or interfere with it...The refusal to accept these decisions is very awkward for the Duke.¹⁷³

It is clear the crofters feared they could not afford the increased rents and would get little benefit from the extra pasture if they did not have the capital to stock it immediately. Disappointment and frustration on both sides turned the situation into a stand off. For the crofters, the disappointment must have been acute; all the more so, when it seemed their goal had been so nearly reached, but could not be secured for lack of capital.¹⁷⁴ Without building the fences, the crofters could not have the land and the situation was at a standstill until 1891, when the estate made a report

¹⁷¹ NLS, Acc. 10225, Factor's Correspondence, 1972, Gordon to McIver, 23 Jan. 1888.

¹⁷² NLS, Acc. 10225, Policy Papers, 217, McIver to Stafford, 12 Dec. 1888.

¹⁷³ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 26 Feb. 1889. Also McIver to Stafford, 22 Feb. 1889.

¹⁷⁴ NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 22 Mar. 1889, 25 Mar. 1889, 23 Jan. 1890; 1959, McIver to William Gunn, Cromartie Estate factor, 7 Mar. 1889.

to the Scottish Office complaining of a number of Assynt townships that had not fenced their new land. It was pointed out that in Clashmore, eleven of the twenty crofters participating in the land extension had also failed to pay their rents; hardly surprising when they were receiving no benefit from the land.¹⁷⁵ In July 1891, the Commission returned to Assynt to examine appeals made by the crofters as to fencing and rent. The appeals of the Clashmore crofters were rejected and the Commission, which had been looked to by both the crofters and the estate as a final remedy to the open sore of Clashmore had instead incited further frustration and tension, and for the Clashmore cottars, it had held out no hope at all.¹⁷⁶

¹⁷⁵ NAS, AF67/14, Jamieson, Sutherland Estate Edinburgh Lawyer, to Lord Lothian, 18 Feb. 1891.

¹⁷⁶ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 17 Jul. 1891. These frustrations were common across the Highlands: Cameron, *Land for the People*, 55-56.

1890s: The eye of the storm

After the tumultuous events of 1887-1889, both the crofters of Clashmore and the estate management had time to regroup and recover in the 1890s. The Crofters Commission had gone some way to addressing the crofters' demands for land, but what the crofters had seen as excessively heavy rents and fencing burdens meant the decisions had been unpopular and frustration lingered, especially among the cottars who had gained nothing.

The estate management also had some major changes to face in the 1890s that were to have a significant impact on the Clashmore crofters. The first was the retirement of Evander McIver and the second was the dismissal of James Gordon, both in 1895. McIver retired with a comfortable pension from the Duke and spent his days writing his memoirs until his death in 1903.¹⁷⁷ The impact he had on Clashmore over the fifty years he was factor can hardly be exaggerated. He had been the architect and executor of the Clashmore farm and his refusal to compromise had led to the resignation of a ground officer and a Commissioner. McIver had been told by both Kemball and Brereton that he had to let go of the old ways and methods of dealing with crofters, but he could not and so instead, the 4th Duke let him go into honourable retirement. James Gordon also left the management, remaining a sheep farm tenant in Assynt. Although the loss of his place was more of a surprise, being a moderate in his views towards crofters and land reform, perhaps the Duke felt that Gordon, being so closely tied to the Clashmore agitation of the late 1880s, was poorly regarded by the tenants and that to foster better relations with them, he had to go. He was in all probability a happier man as a sheep farmer than he had ever been as a sub-factor.

The 4th Duke completely rearranged the Sutherland estate management when McIver and Gordon left. The Scourie management was abolished, the parish of Durness being added to the Tongue management, and the parishes of Assynt and Eddrachillis added to the Dunrobin management.¹⁷⁸ It may be that the Duke thought

¹⁷⁷ McIver, *Memoirs*, 1.

¹⁷⁸ NLS, Acc. 10225, Factor's Correspondence, 1504, Box to McIver, 3 Sept. 1895.

Scourie no longer needed such intensive management as before, now the Crofters Commission dealt with the large crofting population there, but also, the very term 'factor' was so unpopular – another legacy of McIver – that the Duke considered it better not to have one at all. He trusted MacLean's and Box's moderate instincts and set up James Simpson in Scourie to be MacLean's official there.

Before McIver and Gordon left, there was still trouble brewing at Clashmore, as the frustration of the crofters and cottars was expressed through continuous dyke breaking through 1891-2. Dyke breaking was a common tactic in the Highlands, and was immensely frustrating for the estate, which had to bear the entire expense and was never successful in catching anyone.¹⁷⁹ It flared up due to the refusal of the Crofters Commission in 1891 to repeal its decisions as to the new rents and fences for their parks at Clashmore. In all, 700 yards were pulled down over the two years, on top of the 1,000 yards that had come down in 1887-9, but as Wright commented bitterly, 'the authorities seem very lax about it. I fancy they do not look upon it as a political agitation and therefore do not mind so much.'¹⁸⁰ The estate did as much as it could, including offering a reward for information and setting up watchers to guard the walls at night, but this was merely costly and futile, as more offences were committed.¹⁸¹ McIver's frustration in the face of the defiance expressed in the dyke breaking was reminiscent of his rage at the Clashmore crofters two decades previously, 'I am sorry and vexed...the expense of watching and repairing what is thrown down is enormous and the annoyance and vexation connected with these outrages together try one's patience and equanimity.'¹⁸²

In late 1892, the cottars in desperation again began to petition the estate for land near Unapool, part of the farm of Achmore.¹⁸³ The Clashmore cottars were

¹⁷⁹ MacPhail, *Crofters War*, 134, 139.

¹⁸⁰ NLS, Acc. 10225, Policy Papers, 205, Wright to McIver, 4 Jan. 1892; also Wright to McIver, 31 Dec. 1891, 12 Dec. 1891, 17 Dec. 1891, 21 Dec. 1891 and 29 Dec. 1891.

¹⁸¹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 8 Dec. 1891, 11 Dec. 1891, 14 Dec. 1891, 5 Mar. 1892, 7 May 1892; Factor's Correspondence, 1964, McIver to Gordon, 9 Dec. 1891, 14 Dec. 1891, 17 Dec. 1891, 19 Mar. 1892, 2 Apr. 1892, 7 May 1892; 1974, Gordon to McIver, 5 Dec. 1891, 8 Dec. 1891, 9 Dec. 1891, 11 Dec. 1891, 12 Dec. 1891, 3 Mar. 1892, 31 Mar. 1892, 1 Apr. 1892.

¹⁸² NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 7 May 1892.

¹⁸³ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 18 Nov. 1892.

desperate for land, despite the recent extensions given by the Commission to the crofters, but the estate refused the petition, McIver remarking that,

Assynt is already overburdened with crofters and our policy would be to reduce them and if possible not to add to them...they have no capital to build houses or stock a farm and are men of no reputation suspected of complicity in the recent outrages at Clashmore – it would be mere folly to entertain their request.¹⁸⁴

This petition shows, apart from how little McIver's views had shifted in thirty years, that the land hunger problem in Clashmore was not going to go away. Agitation fizzled out after 1892, but the old grievances rumbled on. In 1895 an opportunity for agitation arose when the Clashmore farm lease was transferred to a new tenant, Mr John MacKenzie, but the cottars remained quiet.¹⁸⁵ Perhaps there were no protests because they no longer had their eye principally on Clashmore, but would have preferred land in Achmore, nearer to the fishings. MacKenzie would be left in peace initially, but in a few years the Clashmore cottars would renew their demands for the farm.

¹⁸⁴ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 18 Nov. 1892.

¹⁸⁵ NLS, Acc. 10225, Factor's Correspondence, 1976, Gordon to McIver, 1 Apr. 1895.

1902-1910: Resolution

For five years, Clashmore township was quiet, although its problems had not gone away. Land hunger was built into the structure of the township and the grant of the Clashmore farm grazing parks to the crofters in 1888 had done little to change that. The demand for land can be seen in the number of petitions for land which regularly flowed into the estate management from the cottars.¹⁸⁶ These no longer focussed on Clashmore but on old Unapool, now part of the large Achmore sheep farm, and Oldany Island, which was a grazing island attached to Ardvar farm.¹⁸⁷ The reason the focus had shifted was because it was the cottars, not the crofters, petitioning for land. The cottars preferred sites on the coast, convenient to the fishings, where they would earn the greater part of their income. It was the petition sent in December 1902 that was to be the opening salvo in a renewed and organised campaign by the Clashmore cottars to get more land.¹⁸⁸

One of these cottars, Hugh MacLeod, would become the *de facto* leader of the Clashmore cottars, writing their petitions and organising their demands. He was desperate for land, and in 1903 wrote a petition asking either for a croft or £100 to emigrate to Canada, writing that, 'I explained to your Grace my father's eviction from the new Clashmore farm by the late factor McIver, how a new house we had just erected was ruthlessly levelled to the ground and how some ware of mine was so ruthlessly destroyed by the same agent. This great loss to me has never been in any way compensated.'¹⁸⁹ His father's eviction from Clashmore in the 1870s may have given MacLeod both the kudos in the community and the real need for land needed to be an effective leader. He was also an elder and precentor in the local United Free Church and so had much moral authority in the township.¹⁹⁰ MacLeod

¹⁸⁶ NLS, Acc. 10225, Crofters, ZB/c, James Simpson to MacLean, 8 Sept. 1896; Policy Papers, 217, McIver to Wright, 18 Nov. 1892; Factor's Correspondence, 402, MacLean to Duke, 6 Mar. 1896; Farms, 25, Clashmore cottars to Duke, 14 Dec. 1902, 26 Sept. 1903.

¹⁸⁷ That the cottars still called the land by its old name says much about how they viewed it as rightfully theirs: see Hunter, *Crofting Community*, 128.

¹⁸⁸ NLS, Acc. 10225, Farms, 25, Petition Clashmore cottars to Duke, 14 Dec. 1902.

¹⁸⁹ NLS, Acc. 10225, Farms, 25, Hugh MacLeod to Duke, 26 Sept. 1903.

¹⁹⁰ NAS, AF67/58, P.C. Ross to Chief Constable of Sutherland, 1 Feb. 1904.

had the motivation, skills and authority to be a leader; but whom did he lead? In the renewed campaign for land, all of the petitions sent in were signed by five persons, including MacLeod. There were certainly more than five cottars in Clashmore and competition between MacLeod's group and the others, who felt they were being left out of the negotiations, would increase as the estate took the petitions seriously.

In 1904, the five cottars stepped up their campaign for land and handed in a letter to the farm tenant, John MacKenzie,

We the undersigned beg to ask you, not to plough any more on Clashmore farm, or to put yourself into more expenses as we expect to have it from His Grace the Duke or take it with our own hands. We were deprived of Clashmore farm thirty years ago...For the last two years we have petitioned over and over again for Ardvar Farm, the only reply we got was that our petition would be considered, but last week we had a letter from Factor MacLean, stating that we were not to get it, therefore we bind ourselves to have Clashmore farm one way or the other, we only want part of Ardvar farm...we rather it than Clashmore as we would expect to take the half of our living out of the sea, as there is a good harbour, but seeing it is refused we are bound to stick to Clashmore farm...we will be compelled to take forcible possession of Clashmore farm, as we consider it more honourable to suffer in the struggle than to allow ourselves and our families starve. We intend to put all our petitions and replies in the newspapers to show the world the justice of our demand.¹⁹¹

There were a number of unusual aspects to this letter. First, it was written to the farm tenant, rather than the estate, perhaps for two reasons. The cottars may have thought the tenant would pay more attention to it, as it threatened to take over his farm and that he might urge the estate to come to an agreement, possibly over

¹⁹¹ NAS, AF67/58, copy letter Clashmore cottars to John MacKenzie, 20 Jan. 1904.

Ardvar, which the estate would not have agreed to when dealing solely with the cottars. Second, the cottars may have handed it to the tenant to scare him away, leaving the lease free for them. Although the crofters emphasised the land they actually wanted was in Ardvar, their target would be Clashmore; by linking themselves to the famous agitation of the past, they could hope for a swifter response from the estate and remind it of where their grievance originally sprang from.

The tenant, Mackenzie, who lived at Clashmore, was understandably alarmed by the threat in the letter. The night he received it, he showed it to the Chief Constable of Sutherland, who happened to be in the area. Enquiries were made and the Constable reported,

Mackenzie says that they [the cottars] have been breaking down pieces of the dykes and fences and putting in their sheep on the farm for some time back...I also understand through Mr Gordon, late sub-factor, that the wording of the letter referred to, is similar to the one received at the time of the last Clashmore disturbances and these cottars took a very active part in the last Clashmore riots.¹⁹²

It is clear the authorities took the threat very seriously, and that the history of agitation on the farm fed that concern. The estate management took a very different view, however, led now in Assynt by the moderate Donald MacLean. He believed the threat would not have been acted on, but was instead intended to generate interest in the cottars' situation. He was angry that the authorities had been dragged into the matter, 'Was much annoyed Thursday to find matter in police hands through Mackenzie's timidity...I immediately stopped proceedings as premature and needless.'¹⁹³ Although the cottars had made only a vague threat to raid, the

¹⁹² NAS, AF67/58, letter Chief Constable to Under-Secretary of Scotland, 30 Jan. 1904 and 31 Jan. 1904; Sheriff to Under-Secretary, 27 Jan. 1904.

¹⁹³ NLS, Acc. 10225, Factor's Correspondence, 434, MacLean to Duke, 3 Jan. 1904; MacLean to Mackenzie, 22 Jan. 1904, 28 Jan. 1904.

history of disturbance on the farm meant it had to be taken with deadly seriousness and it generated conflict immediately; between the estate and the authorities and between the estate and its tenant, Mackenzie. Recent disturbances elsewhere in the Highlands, at Vatersay for instance, meant that land raids were a possibility again and this lent the Clashmore threat extra urgency.¹⁹⁴ It was clear that the estate had to address the demands of the cottars, and the Duke agreed that an arrangement could be made, as long as the cottars agreed to retract the threat to raid first.¹⁹⁵ The tenants did so, and Mackenzie agreed to give up the lease whenever it was convenient for the estate.¹⁹⁶

In February 1904, the estate was moving quickly to offer Clashmore farm to the cottars. Mackenzie was ready to leave, taking all his stock and crop with him, lowering the valuation costs of the farm considerably. The estate knew the cottars had no capital, and most were in arrears of rent, but were optimistic, 'very likely the Congested D. Board would help in this matter if asked, and perhaps help with houses for them...I think it would be advisable to get the Crofters Commission or the Congested D. Board to divide the parks among the people. If we do it there are sure to be complaints afterwards.'¹⁹⁷ The estate was too optimistic, both as regards the cottars' means and the potential involvement of the Congested Districts Board [hereafter CDB]. The estate offered the cottars the farm in February 1904, and were swiftly rejected, 'You know very well that we are not able to take Clashmore farm at valuation which will come to few hundred £ pounds sterling we are only poor men and if His Grace is to give us the farm let us get it at fair rent without valuation but to offer us at the terms specified in your letter is the only way to keep it from us.'¹⁹⁸ The situation was at a standstill. Both the estate and the cottars wrote to the

¹⁹⁴ E. A. Cameron, *Land for the People? The British Government and the Scottish Highlands, c.1880-1925* (East Linton, 1996), 120-122; Hunter, *Crofting Community*, 187-191.

¹⁹⁵ NLS, Acc. 10225, Farms, 25, Duke to MacLean, 30 Jan. 1904.

¹⁹⁶ NLS, Acc. 10225, Farms, 25, Clashmore cottars to Duke, 5 Feb. 1904, Mackenzie to MacLean, 23 Jan. 1904; Factor's Correspondence, 434, MacLean to Simpson, 8 Feb. 1904, MacLean to Mackenzie, 11 Feb. 1904.

¹⁹⁷ NLS, Acc. 10225, Farms, 25, Simpson to MacLean, 13 Feb. 1904; Factor's Correspondence, 434, MacLean to Simpson, 16 Feb. 1904.

¹⁹⁸ NLS, Acc. 10225, Farms, 25, Hugh MacLeod to MacLean, 22 Feb. 1904.

CDB asking for advice in the matter, but they would have to wait a long time for help.¹⁹⁹

Meantime, a new conflict was brewing over Clashmore, this time among the cottars themselves. Hitherto, only five of the Clashmore cottars had applied for land, but in March 1904, four others applied to the estate as well, accusing the others of secrecy and unfair dealing, 'Whereas five cottars – or alleged cottars – have secretly applied to your Grace for Clashmore farm last spring, and, as it is rumoured to be broken up, we the undersigned approach your Grace with a view to participating in the farm. We are all cottars in the strictest sense of the word.'²⁰⁰ The original group responded furiously. MacLeod wrote to the estate denying the others were true cottars and catalogued his groups claims in respect to the creation of Clashmore farm thirty years previously, 'I may also say that anyone who does not belong to Clashmore has not any claim for any part of it when dividing the farm. I may also say that there is [sic] no cottars in Clashmore but those that applied for the farm along with me.'²⁰¹ Clashmore farm was not very large and if it was to be divided up, the more applicants there were, the less everyone would receive, and so arguments were breaking out. The difficulty imposed by an increasing and uncertain number of applicants for land was another that the estate and CDB would have to face.

Negotiations between the estate and the CDB were carried on at a slow pace. The difficulty was that the CDB did not regard Clashmore as a good farm for division because it had no pasture, that having been divided among the crofters in 1888. Ironically, what had benefited the crofters then made the situation of the landless cottars even more intolerable later, 'I should be glad if the cottars in question could be settled in the land with a fair prospect of succeeding, but the Congested Districts Board have hesitated to commit themselves to expenditure until satisfied whether

¹⁹⁹ NLS, Acc. 10225, Factor's Correspondence, 434, MacLean to Simpson, 16 Mar. 1904; Farms, 25, CDB to MacLeod, 29 Feb. 1904, CDB to MacLean, 3 Mar. 1904. See also, NAS, AF42/1921, Hugh MacLeod, Clashmore to CDB, 1904.

²⁰⁰ NLS, Acc. 10225, Farms, 25, Clashmore cottars to Duke, 26 Oct. 1904.

²⁰¹ NLS, Acc. 10225, Farms, 25, Hugh MacLeod to MacLean, 29 Nov. 1904. Also, 21 Mar. 1904.

the want of pasture would be a serious barrier in this particular case.'²⁰² This lack of pasture combined with the problem of a growing number of applicants brought the negotiations to a virtual standstill until early 1905, when an inspector for the CDB came to visit Clashmore. The outcome was that the CDB still did not consider Clashmore suitable for division, but would give some help, 'to assist five or six tenants in the erection of new buildings and in meeting the outgoing tenant's valuation.'²⁰³ This would be in the form of a loan that would cover most of the £218 valuation costs, but not all, and the estate was concerned that the cottars would not be able to contribute anything. They were also unsure whether there would be five or ten applicants, which would have a significant bearing on how the land would be divided up. In 1905 nothing was resolved and the estate had to negotiate with Mackenzie a £10 reduction in his rent for the trouble and uncertainty he had endured.²⁰⁴

Nothing more could be done about Clashmore by the estate or CDB until the cottars had worked out their differences. By 1909, this had been achieved and Mackenzie had left Clashmore. The cottars began again to agitate for land. An initial petition with five names was submitted to the estate in February 1909, stating that, 'our need of enlargement of our holdings is very great as it is the scarcity of land that causes our poverty.'²⁰⁵ This was quickly followed by a much larger petition, referring directly to the 1870s, 'it is also land that was taken from us by oppression without either compensation or reduction of rent which was the first cause of our ruin.'²⁰⁶ This petition had no less than nineteen names on it, thirteen of which were crofters and only six of which were cottars.²⁰⁷ This petition was certainly effective in putting up a united front, but the estate was unsure that the tenants would be able to take the farm at all, and if they did, whether it would be a success, 'They ask for the whole farm to be divided up among them, and they

²⁰² NLS, Acc. 10225, Farms, 25, Scottish Office (Reginald MacLeod) to Duke, 6 Dec. 1904; MacLean to CDB, 29 Nov. 1904, CDB to MacLean, 25 Nov. 1904.

²⁰³ NLS, Acc. 10225, Factor's Correspondence, 438, MacLean to Simpson, 10 Feb. 1905.

²⁰⁴ NLS, Acc. 10225, Factor's Correspondence, 438, MacLean to Mackenzie and 439, MacLean to Mackenzie, 29 Apr. 1905; MacLean to Simpson, 1 May 1905.

²⁰⁵ NLS, Acc. 10225, Farms, 25, Clashmore tenants to MacLean, 9 Feb. 1909.

²⁰⁶ NLS, Acc. 10225, Farms, 25, Clashmore tenants to MacLean, 3 Mar. 1909.

²⁰⁷ NLS, Acc. 10225, Farms, 25, Taylor to MacLean, 9 Mar. 1909.

declare that they cannot pay anything towards the valuation...they have no thought of working the farm as a Club farm and therefore the steading would be useless as it is...if it is decided to divide up the farm, a few more of the crofters in Clashmore may apply for portions.'²⁰⁸ Despite misgivings, the estate, the Crofters Commission and the CDB all came together to divide the farm up among the applicants, finally numbering twenty. The Commission made the divisions and set the rents on them, and the CDB granted £60 towards the valuation costs.²⁰⁹

All the groups involved in the division had to compromise in order to come to a settlement, something that took seven years to happen. The estate management did become frustrated: with the CDB for being so slow and inflexible, and with the applicants for rejecting what it considered to be reasonable terms and arguing among themselves, and with Mackenzie for being timid. In reality, however, Mackenzie had been very patient, willing to leave at a month's notice for five years. The CDB was a slow, under funded and over-stretched institution and its concerns about Clashmore's suitability for division were practical and well founded. But it was really the crofters, and latterly the cottars of Clashmore, who faced the most frustration. Having been deprived of land without compensation forty years previously, they had since been caught in a vicious circle of intense land hunger and inability to pay for or stock more land. In order to break this, the estate had foregone the valuation costs of the farm, a relatively small pecuniary sacrifice the 4th Duke was willing to make. The number of applicants made the divisions of land necessarily small, but it was still satisfactory: the Clashmore farm had ceased to exist and the land had been given back to the crofters and cottars, many of whom were direct descendants of those who had been moved in 1870.

²⁰⁸ NLS, Acc. 10225, Farms, 25, Taylor to MacLean, 9 Mar. 1909.

²⁰⁹ NLS, Acc. 10225, Farms, 25, Taylor to MacLean, 1 Jun. 1909 and 24 Jun. 1909, Copy Order by Crofters Commission R. N. 983, 31 Dec. 1909. See also, NAS, AF42/6037, AF42/6102 and AF42/6171.

Conclusion: Clashmore in context

This chapter has used Clashmore as a case study, using one township to provide an in-depth view of the Sutherland estate management not possible elsewhere in this thesis. Clashmore gives a cross-section of the estate management from ground officer to Duke, through forty years of radical change in the management of Highland estates, and illustrates the changes and conflicts in that management as it evolved after the watershed of 1886. It is vital, however, to put Clashmore in a wider estate and Highland context. The reclamations that sparked agitation in Clashmore were unique to the Sutherland estate, being the 3rd Duke's own personal vision, but the agitation in the 1880s in Clashmore tapped more grievances. Land hunger was prevalent, and whether it had been caused by clearance or reclamation, the result was the same. It is therefore justified to look as closely into the case of Clashmore as historians have in other areas such as Lewis, Skye and Tiree. There were many similarities between these cases of agitation; the course and methods used by the crofters, the response of the estate and of the authorities to the agitation and what the crofters achieved.²¹⁰

Firstly, the wider economic context was the same in Clashmore as it was for the rest of the Highlands. The early 1880s saw a sharp downturn for the crofting economy; the 1881 harvest was poor and the fishing, a key income for crofters and especially cottars, failed.²¹¹ These failures made dependence on land even more heavy at a time when land was a scarce resource. Agitation broke out in 1882 in Skye for causes common all over the Highlands: land hunger and the continued, if sporadic, attempts by estates to appropriate more land from the crofters.²¹² Crofters also demanded security for eviction at forty day's notice, something especially relevant to the Clashmore case, where removal summons had been used with devastating effect in both 1851 and 1870-74. The methods used by the Clashmore crofters in their dealings with the estate after 1882 were the same as those used elsewhere. Petitioning, rent strikes, and finally violence in the form of deforcement,

²¹⁰ Hunter, *Crofting Community*, 176-77.

²¹¹ Hunter, *Crofting Community*, 131-32; Devine, *Clanship to Crofters War*, 221.

²¹² Devine, *Clanship to Crofters War*, 218, 223; Hunter, *Crofting Community*, 134.

dyke breaking and attacks on estate staff, as well as frequent land raids and running of stock onto farm land were tactics common across the Highlands.²¹³ The social and economic background of local leaders was also similar. In Clashmore, the local Free Church minister was initially key in negotiating with the Sutherland estate and articulating demands for the crofters. Similarly, in Lewis, a local schoolmaster was central to the organisation of the raid on Park Deer Forest.²¹⁴ There was one aspect to the personnel of the Clashmore agitation which was unique in the Highlands, and this was the role of that, 'modern-day Rob Roy,' or, 'the Last of the Mohicans,' Hugh Kerr.²¹⁵ His offence was relatively minor, but the fact that he eluded the authorities for so long made him a hero for many. He embarrassed the authorities and acted as a focus and inspiration for agitation. Nowhere else in Highland agitation in the 1880s was there such a figure, a leader who was a cottar, not a minister or schoolmaster, who defied the authorities for so long.²¹⁶

The response of the Sutherland estate to agitation at Clashmore was similar to that on other Highland estates, despite its many unique qualities, from its size to the wealth of its owner. Before the Crofters' War broke out, the Sutherland estate management dealt with resistance in Clashmore as other estates did: by issuing summonses of removal and enforcing them. The estate was perfectly within the law to do so, and it nipped agitation in Clashmore in the bud in the early 1870s. In the 1880s, however, the situation had changed; the Sutherland estate was very aware of public opinion and anxious to stay on the right side of it. After years of conflict within the management, the estate did compromise with the Clashmore crofters, firstly in 1888 and latterly in 1909. These compromises may have been instrumental in preventing the acute agitation and land raids seen elsewhere in the Highlands in the inter-war period from occurring at Clashmore. The sacrifice of the estate was not as great as it seemed, however; Clashmore farm at its largest had only covered ninety-two acres and its annual rental by 1909 was only £40. By

²¹³ Devine, *Clanship to Crofters War*, 218; Hunter, *Crofting Community*, 153.

²¹⁴ Hunter, *Crofting Community*, 172.

²¹⁵ Incidentally, Kerr was given these nicknames by the *Scottish Highlander*, a newspaper which supported his actions: see *Scottish Highlander*, 11 Oct. 1888.

comparison, Melness sheep farm in Tongue was over 80,000 acres. The bitter history of Clashmore farm, however, and the removals associated with it meant that when the estate finally gave it to the crofters, it was a sharper victory.

The response of the authorities to the agitation in Clashmore was also very similar to that in other parts of the Highlands, except in its failure to demonstrate as much urgency about Clashmore as they did in Skye or Lewis. This was because the agitation there was contained in one township, rather than spread across whole islands with crofter populations running into thousands. Similar tactics were used, however, such as sending in gunboats and contingents of marines to back up the local police force in serving interdicts and making arrests.²¹⁷ The gunboats and soldiers never stayed for more than two days at a time and operations were led by the local police. The most effective tool the authorities had in halting violence, both in Clashmore and Lewis, were the trials in the High Court of Justiciary in 1888. These trials clearly connected the Clashmore crofters with those of Lewis, and by trying them together in batches they linked the two in the public mind.²¹⁸

The situation in Clashmore was unique in one way, and that was in the crofters' achievements. The creation of the farm had thrown up problems common all over the Highlands; land hunger, a simmering resentment against the estate management, especially in the person of the factor, and a desperate cottar problem. But the agitation there achieved more in a shorter time than elsewhere, possibly because it focussed on only one tiny township, not a whole island population. The resolution of the Clashmore agitation in 1909 prevented the type of acute land agitation seen elsewhere in the Highlands, for instance in the inter-war period in Lewis under Lord Leverhulme, where crofters struggled to gain what the Clashmore crofters had achieved years before.

²¹⁶ Norman Stewart or 'Parnell' of Valtos, Skye, was a similar figure, although he was a crofter and his tactics differed: he never went on the run from the authorities and rather, used his court appearances as a platform. See MacPhail, *Crofters War*, 28-29, 120-122.

²¹⁷ Hunter, *Crofting Community*, 150, 165. See also Armadale Castle, Macdonald MSS, 3181, Lord Macdonald to Alex. Macdonald, [?] 1886; 4680, printed copy letter, Lord Advocate to Sheriff Ivory, 3 Nov. 1882.

²¹⁸ *Scotsman*, 4 Feb. 1888.

Chapter Six: 'The sword of avenging justice:' Politics in Sutherland, 1861-1914¹

Introduction

I said it was not the custom in England to confer titles on men distinguished by peaceful services, however good and great; unless, occasionally, when they consisted of the accumulation of some very large amount of money.

'Why, good gracious,' said Miss Flite, 'how can you say that? Surely you know my dear, that all the greatest ornaments in England, in knowledge, imagination, active humanity, and improvement of every sort, are added to its nobility! Look round you, my dear, and consider. *You* must be rambling a little now, I think, if you don't know that this is the great reason why titles will always last in the land!'

I am afraid she believed what she said; for there were moments when she was very mad indeed.²

From 1832, the Sutherland county seat was uncontested, a situation no doubt made possible by the fact that by 1880 the electorate was only 326, the smallest of all Scottish counties.³ It is safe to say that the seat was well under the influence, if not the direct control, of the Sutherland family.⁴ Lord Stafford stood unopposed for the seat in 1874, taking over Parliamentary duties from his uncle, Lord Ronald Gower. Lord Gower had obtained the seat in a similar way, as described in a lecture given to the Sutherlandshire Association in Edinburgh,

¹ *Northern Ensign*, 25 Mar. 1885.

² C. Dickens, *Bleak House*, (Penguin 1996, first edition, 1853), 569.

³ F. W. S. Craig, *British Parliamentary Election Results, 1832-1885*, (London, 1977), 606.

⁴ Many seats were still controlled by peers after the 1st and 2nd Reform Acts: see I. G. C. Hutchinson, 'The Nobility and politics in Scotland c1880-1939,' in T. M. Devine, (ed.), *Scottish Elites* (Edinburgh, 1994), 131; I. M. M. MacPhail, 'The Highland elections of 1884-1886,' *Transactions of the Gaelic Society of Inverness*, 50 (1976-78), 368-69; Ulbster Estate MSS, Factor's Letterbook 1880-1887, George Logan to Sir Tollemache, 8 Jan. 1880.

Lord Ronald Gower, having finished his terms at Trinity College, Cambridge – days which he describes as the happiest of his life – had his attention somewhat accidentally directed to a parliamentary career as an occupation, and now, being in his twenty-third year, desired to enter the House of Commons, very much as he had entered college – for an education and for its agreeable society; not as an earnest legislator.⁵

This description shows the Sutherland seat as a family concern; when the most suitable member of the family came of age, it was his duty, and part of his education as a member of the aristocracy, to take the seat.⁶ In 1874, the Marquis of Stafford turned twenty-three and Lord Gower gave up the seat to him, when he was returned, ‘unopposed, of course.’⁷ Following Leveson-Gower tradition, Lord Stafford started out as a Liberal, from a distinguished Whig background.⁸ As to his performance in the House of Commons, it can only be described as lethargic; from 1874 to 1884, he did not speak once, and he was a notorious absentee, even being absent on the day his Liberal administration fell in 1885, for which he was lampooned by his political enemies. However, despite this lamentable record, it was still possible for him to hold his seat unopposed until the reform of the franchise in 1884. This was the crunch point of political change in Sutherland, and this chapter will look at politics in Sutherland from that date to 1910. Firstly, the role of the ducal family and the estate management in both national and local elections will be examined. How the estate, and the dukes as individuals, wielded their undoubted political influence and whether it was successful in such key elections as 1885, 1892 and both of 1910 will be examined, as well as the ducal family’s personal

⁵ D. Kemp, *The Sutherland Democracy* (Edinburgh 1890), 14. Kemp was an Advocate active in the Crofters Movement, involved in both the Edinburgh and Glasgow Sutherland Associations as well as being a vice-president of the Royal Scottish Society of Arts.

⁶ D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 186; A. Adonis, *Making Aristocracy Work: the peerage and the political system in Britain, 1884-1914* (Oxford, 1993), 6, 204.

⁷ Kemp, *Sutherland Democracy*, 37.

⁸ Cannadine, *Decline and Fall*, 502-03.

relationship with politics. None of the dukes in this period rose to be great politicians or statesmen, despite their Whig-Liberal background and close family members in high politics.⁹ Despite this, the family did keep an eye on the political situation on their estate, and occasionally tried to influence the result of elections after 1885, with generally disastrous results. The personal and changing politics of the ducal family are another pattern here, and the Sutherland family followed the path of many others of their class. The personal political journey of the 4th Duke exemplifies this perfectly; starting out a (Whig) Liberal in 1874, he graduated to more radical Liberalism in 1885-6, then to Liberal Unionism in the 1890s and finally joined the ranks of the Conservative party in the early twentieth century.

The political story of Sutherland was not just in the high national politics of this period, but just as much, if not more so, in local politics, another arena that witnessed the waning of the estate's power over the small tenants. The factors were gradually pushed out of the Parochial and School Boards, over which they had formally enjoyed complete power, and were also frozen out of the new County Council from the early 1890s. Up to 1885, both the ducal family and the estate management had used political seats, both national and local, to exert control in Sutherland, and these positions had been seen as an automatic and accepted privilege, where voting was more of a formality than a choice. By 1885, this was changing. Crofter agitation had changed the issues driving politics in the Highlands and the crofters were more organised than ever before. The county seat was to be contested in Sutherland for the first time in over fifty years, and by an entirely new type of politician: labelled a carpet bagger, but in fact nothing of the sort, Angus Sutherland came from a crofting background and had helped spearhead the agitation in Sutherland.¹⁰ Lord Stafford was concerned: the electorate had increased by 880% from 326 to 3185 through franchise reform and he and the estate both realised something would have to be done if he wanted to keep his seat.¹¹

⁹ For example, the 3rd Duke's brother-in-law, the Duke of Argyll and Lord Granville, his cousin.

¹⁰ A. Newby, 'Shoulder to Shoulder? Scottish and Irish Land reformers in the Highlands of Scotland, 1878-1894,' Unpublished PhD thesis (University of Edinburgh, 2001), 20-23.

¹¹ F. W. S. Craig, *British Parliamentary Election Results, 1885-1918* (London, 1974), 527.

'Only a man in full sympathy with the crofters can represent them in Parliament.'
The 1885 election in Sutherland¹²

The election of 1885 was the first in Sutherland where most of the crofters had the vote; the franchise reforms of the previous year had increased an electorate of 326 by 880% to 10,011, and for the first time since 1832, the election was to be contested.¹³ The sitting candidate, Lord Stafford, was to fight Mr Angus Sutherland, a native of Rogart and the darling of the Glasgow Sutherlandshire Association. Born in 1848, Sutherland had grown up surrounded by the folklore of the clearances, and their injustice stayed with him as a politician in later years. He trained as a teacher and worked in Edinburgh and Glasgow, becoming involved in radical groups in the latter, such as the Sutherlandshire Association and those connected with Irish issues.¹⁴ In 1885, Sutherland stood as one of six Crofter candidates, all backed by the Highland Land Law Reform Association and all single-issue campaigners who wanted to push through legislation to reform the land laws in the Highlands.¹⁵ Despite forming a loose 'Crofters Party,' Sutherland was certainly more radical than some of his fellow candidates, such as Charles Fraser Mackintosh and Donald Macfarlane. He was involved in campaigns for Irish Home Rule and believed that land nationalisation was the solution to the land question.¹⁶ He also faced a unique challenge in his campaign to become M.P.; Lord Stafford also set himself up as a Crofter candidate, earning himself the sobriquet, the 'Radical Marquis.' That left the Sutherland electors with two radical candidates to choose from, both competing in how 'advanced' they could become to secure the votes of the crofters.

Lord Stafford began cultivating his image as a crofters' friend in late 1884, but it was really in 1885 that this conversion came to the fore in his election campaign in

¹² *Scotsman*, 16 Apr. 1885.

¹³ The third Reform Act affected many aristocratic families in the same way: MacPhail, 'Highland Elections,' 370; F. W. S. Craig, *British Parliamentary Election Results, 1885-1918* (London, 1974), 527 and Cannadine, *Decline and Fall*, 35, 38, 140.

¹⁴ Newby, 'Shoulder to Shoulder,' 20-23, 39, 69.

¹⁵ One of these, Dr Roderick Macdonald, was busy in Ross-shire, to the consternation of the Cromartie estate staff. See NAS, GD 305, Estate Correspondence, 1883, William Gunn to Duchess, 1 Mar. 1884; Alex. Ross, G. O., to Gunn, 1 Sept. 1884 and MacPhail, 'Highland Elections,' 383.

Sutherland.¹⁷ Many greeted this change of heart with either suspicion or derision, including those on his own side such as his uncle, the Duke of Argyll. As he wrote to Evander McIver huffily, 'Lord Stafford has made the wildest and most ignorant promises and has done great harm.'¹⁸ Argyll, as a very active member of the landlord lobby on the crofter question, may have felt that Stafford had betrayed his own class: the 3rd Duke's opinion on his son's radicalism is not known. Most of the suspicion and derision directed at Stafford came from the crofters, however, and supporters of Angus Sutherland, who accused him of cynically cashing in on crofters' issues to get re-elected. They also pointed out that he had done little to help the crofters in the eleven years he had been their M.P.,

I do not doubt the sincerity of the noble lord, especially since the landlords have made the wonderful discovery that the "interests of the landlords and crofters are identical;" but would not the exercise of this newborn zeal have appeared more graciously before the sword of avenging justice gleamed in the distance and compulsory laws loomed in the rear?¹⁹

Some believed that Stafford, coming from a class far above the crofters, could never fully comprehend their needs and doubted whether he would actually deliver on any of the radical promises he made, 'They were fully in sympathy with the resolutions excluding landlords, their relatives or connections from representing the county in the next Parliament...They knew that the changes they desire would never be granted by the landlord class, and they were determined not to waste time in asking them...Only a man in full sympathy with the crofters could represent them in

¹⁶ Newby, 'Shoulder to Shoulder,' 63, 69, 189.

¹⁷ MacPhail, 'Highland Elections', 387 and E. A. Cameron, *The Life and Times of Fraser Mackintosh, Crofter M.P.* (Aberdeen, 2000), 155.

¹⁸ National Library of Scotland, [hereafter NLS], Acc. 10225, Policy Papers, 197, Argyll to McIver, 5 Oct. 1885.

¹⁹ Staffordshire County Record Office, [hereafter SCRO], P/24/7/10, Scrapbook, cutting from *Northern Ensign*, 25 Mar. 1885, letters page.

the British Parliament.²⁰ Stafford was also ridiculed for his failure to be present when key votes had been cast in 1885, bringing down the Liberal Government.²¹ As one editorial pointed out, 'The Marquis of Stafford explains that, if he had only known the straits in which the Government found themselves on Monday week, he would have been in the House of Commons to give his vote in their defence. This can hardly be accepted as an apology for absence, and it argues, we are bound to say, a certain degree of mental obtuseness, or an inadequate sense of the duty a member of Parliament owes to his constituency.'²² Stafford had to defend himself on this point at various meetings held around Sutherland on the election trail, but it seems that although he was heavily criticised for inaction in the past, most electors seemed more concerned about what he would do as an M.P. in the future.

Angus Sutherland also came in for his share of criticism, mainly and predictably from the *Scotsman*. That newspaper regarded Sutherland as little better than an opportunistic carpet bagger, 'In Sutherland, the carpet-bagger is represented by Mr Angus Sutherland, who comes, we believe, from Glasgow. He has nothing in his budget but the stereotyped promises as to land, and he has not given the slightest guarantee that he could be of any service to the county in the House of Commons.'²³ This criticism stemmed from the debate over which candidate would have the most influence in Parliament; Stafford's supporters claimed that it would be he who had Dukes for a father and three uncles and the money to be a significant mover and shaker.²⁴ Not everyone shared this view, however; some generated political currency out of Sutherland's humble roots and saw them as a positive attribute. One supporter wrote, 'He must be allowed to say that it was plucky in the highest degree in a Sutherland boy, a poor crofter's son, to come forward publicly to contest the representation of the county in Parliament with the son and heir of the great house of Sutherland. It was a real, if not also romantic instance of bearding

²⁰ *Scotsman*, 16 Apr. 1885, report of a crofter's meeting at Lairg. See also, *Scottish Highlander*, 31 July 1885 and 7 Aug. 1885.

²¹ MacPhail, 'Highland Elections', 387.

²² SCRO, P/24/7/10, Scrapbook, cutting from *Daily Review*, 19 Jun. 1885.

²³ *Scotsman*, 6 Oct. 1885. See also 12 Aug. 1885.

²⁴ *Scotsman*, 27 Nov. 1885; *John O Groat Journal*, 24 Jun. 1885 and Newby, 'Shoulder to Shoulder,' 178.

the lion in his own den.'²⁵ Some believed that the fact a person of lower status than an heir to a dukedom was standing at all was a moral victory, before the counting of votes had even begun.²⁶

The election campaign was vigorous, in contrast to nearly all previous contests. It is not intended to give any detailed chronology of those campaigns here, but rather examine how the estate management contributed to Lord Stafford's cause. There were no accusations of actual corruption made against the estate during this election, and from what can be gathered here, that is a fair conclusion. But it would still be true to say that the management did have some indirect bearing on the result.²⁷ In terms of simple practicalities, Lord Stafford certainly had an edge over Sutherland. Stafford spent weeks visiting various townships in Sutherland, meeting his crofter constituents on an individual basis and listening to their grievances. Stafford was keen to correct as many of these as possible before the election, in order to win support and prove his radical credentials; he made numerous applications to the factors and Kemball to have the various petty grievances of crofters seen to. This added a huge burden to their workload, though the individual requests were small. In a common demand, Donald MacKay of Clerkhill wrote to Stafford, 'I intend to vote for you at the General Election. I have great need that some Reduction will be taken off my rent if you please and repeat my circumstances to Sir Arnold Campbell [sic] and to take this to consideration.'²⁸ Most crofters were referred to their factor by Stafford and wrote to them directly demanding that his promises be fulfilled, 'When his Lordship the Marquis of Stafford called on me about a fortnight after I stated my Grievance to him so he wished me to apply to you the first time you came here and that he had not the least doubt but I would get satisfaction.'²⁹ However effective this was in securing votes for Stafford, it caused trouble in the management, with Kemball eventually losing his temper, 'The enclosed letter from Donald McLeod to Lord Stafford will show

²⁵ *Scotsman*, 14 Oct. 1885.

²⁶ *Scottish Highlander*, 4 Sept. 1885.

²⁷ A similar conclusion can be drawn from the actions of the Cromartie estate staff. See NAS, GD 305, 1886, Estate Correspondence, Alex. Ross to J. Rae, Inverpolly, 30 Nov. 1885. See Cannadine, *Decline and Fall*, 142-146.

²⁸ NLS, Acc. 10225, Crofters, G/b, Donald MacKay to Lord Stafford, 29 Nov. 1885.

you the difficulty I must encounter in dealing with no less than 145 similar cases brought to my notice.'³⁰ Some members of estate staff also feared Stafford's policy could have ugly long term side effects, 'Lord Stafford has laid himself open to receive complaints from querulous parties and I fear that all the rules laid down are likely to be broken, and the present dissatisfaction and management of crofters will become [?] difficult if not impossible.'³¹ Stafford was careful, however, to publicly distance himself from the estate management, while using his influence within it to answer minor grievances of the crofters. He recognised McIver's unpopularity and so refused his offers of accompaniment through Assynt, 'His Lordship declined considering I suppose that it was as well that I should not accompany him, in case it might be spoken of as undue influence!'³²

As well as dealing with requests fed through from Stafford, the estate staff kept a close eye on all political activities, including reporting on meetings, speeches and petitions.³³ Though they never intervened or attempted to stop political meetings, a ground officer would often attend to report back to Head Office, and their presence may have had some effect on the proceedings. The factors did notice a general increase in political activity on the estate, in wider and unexpected forms.³⁴ In mid-April there were elections for the Parochial and School Boards in Assynt, and McIver reported that there was a contest for these seats for the first time in forty years,

There was a very striking proof of the efforts of agitation among the crofters. There was never any interest taken by the electors in Assynt in the constitution of the Parochial Board since 1845, when the Poor Law was introduced. There are four elected members and on Wednesday a crowd of men and women appeared and for the first time there was voting for various people

²⁹ NLS, Acc. 10225, Crofters, G/a, Hugh Frazer to Box, 5 Nov. 1885.

³⁰ NLS, Acc. 10225, Policy Papers, Kemball to Crawford, 5 Jan. 1885.

³¹ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 13 Oct. 1885.

³² NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball 26 Jun. 1885.

³³ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 7 Apr. 1885; Factor's Correspondence, 350, Peacock to Kemball, 4 Jan. 1885.

all connected with the Established Church to be thrown out and four members of the Free Church were appointed. In a like manner since 1872 there has been no contest for election of members of the School Board. There are now eleven candidates for seven seats and I was told a strenuous effort is to be made to have no one connected with the Established Church on the School Board.³⁵

It is clear the estate management was using its position to aid Lord Stafford's campaign through practical help to the crofters and general information gathering, but equally, it worked hard to avoid any accusations of actual corruption. The estate managed to cultivate a pervasive influence, without breaking any electioneering laws.

It was Lord Stafford who won the election, by an emphatic majority of 643, or 61.7% of the vote.³⁶ The response to this victory was predictably varied. The *Scotsman* crowed in triumph, 'The return of the Marquis of Stafford, by a substantial majority...is an event of good omen for the Northern Counties of Scotland. A few more victories of the same character will break up the noisy and extreme section of the land league.'³⁷ The Angus Sutherland faction was furious and astonished in almost equal measure; the *Scottish Highlander*, which had supported Sutherland's candidature, especially so, 'The result of the Sutherlandshire election is a disgrace to the men who invited Mr Angus Sutherland to fight their battle and then deserted him.'³⁸ There was also criticism of the Sutherland electorate in the contemporary Gaelic political poetry of the time. In the poem, 'I would sing the Heroes Praise,' the poet John MacLean, Mulbuie, shamed the Sutherland men,

³⁴ E. Richards and M. Clough, *Cromartie: Highland Life, 1650-1914* (Aberdeen, 1989), 308, 339.

³⁵ NLS, Acc. 10225, Policy Papers, 215, McIver to Kemball, 24 Apr. 1885; see also 8 May 1885.

³⁶ Craig, *British Parliamentary Election Results, 1885-1918*, 562.

³⁷ *Scotsman*, 1 Dec. 1885.

³⁸ *Scottish Highlander*, 2 Dec. 1885; see also 4 Dec. 1885, 11 Dec. 1885, 25 Dec. 1885 and 18 Dec. 1885; Cameron, *Life and Times*, 157.

The Sutherland folk who did not stand
 As firmly as they ought in the struggle
 Could have had the gentle Sutherland,
 Who would have brought gloom to Duke and Marquis.

...

How proud we can be –
 With Dr MacDonald and MacFarlane,
 And Fraser-Mackintosh, the hero;
 The people of Sutherland are a disgrace.³⁹

There was an extended debate in crofting circles and the press over why the crofters had chosen to vote for the Marquis, especially as it was Sutherland who had been confidently expected by many to win, along with his fellow crofter candidates in other Highland constituencies.⁴⁰ Some commentators pointed to heavy pressure from the estate management that could be brought to bear on the Sutherland crofters and their continuing fear of, 'Castle Government.'⁴¹ One correspondent pointed out this reality in vivid terms,

Mr Sutherland had arrayed against him all the powers of landlord influence and wealth, all the machinery of estate management – factors, lawyers, ground officers, foresters, gamekeepers, rabbit-catchers, dog-feeders, gillies, salmon-fishers, game-watchers, flunkies, hangers-on, shooting-tenants, alien sheep-farmers, with their array of shepherds and ploughmen, clergy, school masters, railway officials, hotel keepers, strappers and under-strappers and loafers...whose bread and butter and drams depend upon the nod

³⁹ Translation from D. E. Meek (ed.), *Tuath is Tighearna: Tenants and Landlords*, (Scottish Gaelic Texts Society, 1995), 248-9.

⁴⁰ The Cromartie estate staff were extremely disappointed with the Ross-shire result and commented, 'It is certainly wrong that the intelligence and wealth of the county...should be so much in the power of the poorer class of voters.' NAS, GD 305, Estate Correspondence, 1886, Alex. Ross to Wm. Gunn, 7 Dec. 1885; also 1888, Gunn to Duchess, 3 Dec. 1885. Similar comments were made by the factor on the Ulbster estates on the Caithness result: see Ulbster Estate MSS, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 7 Jul. 1886.

of Dunrobin officialdom. It is, therefore, no wonder, with such tremendous odds against him, that he was outnumbered at the poll.⁴²

The fact that the Sutherland estate was in a financially strong position was also highlighted as a possible reason for the crofters to remain loyal to the ducal family, 'The crofters of other Highland counties fought for legislative justice and right; the eleemosynary principle prevailed in Sutherlandshire, and the fear of offending the laird and the expectation of ducal charity were effectively plied to lead the crofters to craven surrender.'⁴³ Also, some of the most senior figures in the crofting community in Sutherland had placed their allegiance with Stafford and urged crofters to do the same. The most important of these were a number of the Free Church clergy who had been very active in the land agitation in the early 1880s, but who nevertheless backed Lord Stafford in the 1885 election, earning themselves a barrage of criticism.⁴⁴ Why they did so is unclear, but it has been suggested that they were satisfied with Lord Stafford's campaign and refused to agree to a ruling made at a radical meeting that any candidate who was a landlord, or a relative of one, should be boycotted.⁴⁵ Secondly, Mr John MacKay, Hereford, one of the leading lights of the crofters' movement in Sutherland, published a letter urging the crofters to support the Marquis, which may have had a significant effect on their voting.⁴⁶ Many viewed MacKay as the natural leader for the Sutherland crofters; he had financial clout and did not support the divisive radical Irish causes of which Angus Sutherland was a known champion.⁴⁷ It was this difference over support for Irish home rule that led him to back Stafford.⁴⁸

⁴¹ *Scottish Highlander*, 4 Dec. 1885 and Newby, 'Shoulder to Shoulder,' 231.

⁴² *Scottish Highlander*, 18 Dec. 1885 Letter to the Editor from J. MacKay, Portree.

⁴³ *Scottish Highlander*, 18 Dec. 1885.

⁴⁴ MacPhail, 'Highland Elections', 388; *John O Groat Journal*, 2 Dec. 1885; *Scottish Highlander*, 7 Aug. 1885, 4 Sept. 1885 and 18 Sept. 1885 and Newby, 'Shoulder to Shoulder,' 217.

⁴⁵ A. MacColl, 'The Churches and the Land Question in the Highlands of Scotland, 1843-1888,' Unpublished PhD thesis (University of Cambridge, 2003), 167-8.

⁴⁶ *Scottish Highlander*, 15 Jul. 1885, *Highland News*, 12 Apr. 1886 and Newby, 'Shoulder to Shoulder,' 218.

⁴⁷ Newby, 'Shoulder to Shoulder,' 206.

⁴⁸ Newby, 'Shoulder to Shoulder,' 211.

The estate management also had a bearing on the result. With an enlarged electorate and secret ballot it was impossible for the estate to intimidate or influence crofters directly but it is likely that the social hold the estate had over the crofters contributed to Stafford's victory. It is clear that although the estate did not openly bully the crofters into voting for Stafford, they were happy to use encouragement in the form of addressing minor grievances to collect votes. Naturally, the estate management, including Kemball, were pleased with the result. Kemball believed that the victory could be the start of a new era of improved relations between landlord and tenant, and commanded his factors to keep the peace with the crofters no matter which way they had voted,

The return of Lord Stafford to Parliament with a majority of 643 may be regarded as proof of the confidence acquired by the constituency of Sutherland in the sincerity of his Lordship's desire to improve the relations existing between Proprietor and Tenant...In order that these results may be fully confirmed it is of primary importance that all traces of the recent contest in the sense of adverse partizanship should be entirely obliterated. I beg therefore that you will enjoin the Ground Officers in your District to repudiate any concern whatever in the votes recorded by individuals and to discourage any sort of inquisitional or discriminatory action, on the part of would-be advocates of Lord Stafford's cause to discredit their opponents.⁴⁹

This command casts a shadow over the behaviour of the estate in the election, even though Kemball made it clear that he hoped a new era was beginning. That such a document had to be issued at all casts doubt over the estate's integrity, although no instances of preferential treatment to crofters who supported Stafford have come to light, or any punishment of crofters who did not. The pressure was now on the re-elected M.P. to take his mandate to London and prove his claims to radicalism.

Stafford's performance in the House would now be under much greater scrutiny than ever before.

Lord Stafford in Parliament, 1885

Stafford was more active than he had ever been before in Parliament during the session 1885-86; although his silence in the House continued, he was busy writing his own Crofters Bill. The Bill would never see the light of day as the government persuaded him to drop it in favour of their own Crofters Bill, but there was some comment about it in the press at the time, generated by the revelation that such a Bill had been penned by a member of the British aristocracy and heir to the largest landed estate in Britain,

The Marquis of Stafford's Crofters Bill is an important sign of the times. That the heir to the Dukedom of Sutherland and to the most extensive landed estates in Scotland should introduce such a measure is enough to startle all the landlords in the country...The Marquis of Stafford has, however, done no small service in introducing his Bill, for it will now be impossible for landlords to maintain, as most of them have done hitherto, that nothing requires to be done.⁵⁰

That the Bill was presented as a symbolic victory rather than a practical one was due to the reality that the government refused to let him have the Bill debated, in favour of one of their own. Stafford's ally, the Rt. Hon. Robert Farquharson, M.P. for Aberdeenshire West recounted in his memoirs,

⁴⁹ NLS, Acc. 10225, Policy Papers, 146, Kemball to Box, 30 Nov. 1885 and Factor's Correspondence, 361, MacLean to James Alexander, Ground Officer, 2 Dec. 1885.

⁵⁰ *Scottish Highlander*, 19 Feb. 1886.

I went down [to the House] ready to second him and cover myself with glory. But alas! for the best laid schemes of mice and men. I arrived a few minutes late, and instead of finding my friend on his legs, he came to meet me in the lobby, with the sad tale that the constituted authorities had put such pressure on him to withdraw his Bill, to make way for a very important one of their own, that he could not resist their blandishments, and the promise that another opportunity would be given him later on. As a much older Parliamentary hand, I knew what this meant, and it is hardly necessary to say that the eventual massacre of the innocents terminated in the existence of our poor little ewe lamb.⁵¹

Despite this failure, Stafford's Bill is worth examining in detail; it had a number of interesting and unique clauses and was in some ways more wide-ranging than the Bill eventually passed in 1886.⁵² Geographically, it covered the whole of the counties of Sutherland, Argyll, Inverness, Ross, Caithness, Orkney and Shetland, at the discretion of the Secretary for Scotland.⁵³ It gave security of tenure, but only with a number of conditions attached, the most problematic being that the crofter could not be in arrears for more than two years and they could not sublet any part of their holdings. As to rents, if both parties were happy with them as they stood at the passage of the Bill, they could remain, but crofter or landlord could apply to a county Land Court to have a rent fixed by arbitration. These Land Courts were to be constituted by the Sheriff of the county; he was to hear evidence and judge on all cases, without a jury to help him. This caused immediate uproar among crofting circles as they tried to imagine an individual such as Sheriff Ivory in such a position over the crofters, 'A Land Court composed of Highland Sheriffs cannot be listened to by the crofters, and the noble Marquis might as well have at once proposed to hand over the administration of the Act to Sheriffs Ivory, Black and Mellis, to make

⁵¹ Rt. Hon. Robert Farquharson, *In and Out of Parliament: Reminiscences of a Varied Life* (London, 1911), 243.

⁵² See Appendix B.

⁵³ Copy in *Scottish Highlander*, 19 Feb. 1886.

the absurdity of this clause complete. The mere mention of these men should settle this ridiculous proposal.'⁵⁴ This was the proposal that stuck in the throats of the Crofters Movement, but they had little to complain about in the rest of the Bill. It allowed compensation for all improvements backdated for thirty years and also tried to address the contentious issue of the Game Laws in the Highlands, firstly by prohibiting crofts being added to Deer Forests and secondly, by applying the Ground Game Act to all crofters' holdings. This gave crofters the right to shoot all game on their arable lots, including deer, a potentially popular measure. It did not, however, allow for crofting land already incorporated into deer forests to be reclaimed. Instead, there were other provisions for the extension of crofters holdings through additional powers Lord Stafford proposed to grant to local authorities in Highland counties. They were to be given powers to advance money for two purposes; the execution of public works such as harbours and piers to help the fishing industry and second, money to assist crofters purchasing stock or holdings. Local authorities would also be able to compulsorily set land apart to be made into crofters holdings, if an application had been made to them by ten or more crofters or crofters' sons.

The Bill was, therefore, a curious mixture of fairly strict rules on crofters' rents, arrears and tenure combined with some more radical clauses as to the Game Laws and advances for crofters' stock. The proposed advances for harbours and piers reflected the landlord lobby's views on the Highland question, and by the late 1890s, the government's also. The clauses on land, however, were far more radical than anything proposed in the government's Bill, the clauses on financial help for crofters wishing to stock land extensions especially so. This problem had long vexed crofters supporters and would continue to do so in the future: once land had been given to the crofters, how were they then to stock it? Stafford accounted for this in his Bill, although he laid out no budget. It would have needed to have been substantial; the Congested Districts Board, set up in the 1897, suffered problems due to its limited budget when it tried to tackle a similar mandate.

⁵⁴ *Scottish Highlander*, 19 Feb. 1886.

By early 1886, all parties on the Sutherland estate, from the factors to the crofters, were waiting for the passage of legislation. First, there was another election, and this time, the Marquis of Stafford resigned rather than attempt to run again. What his motives for this were, after such an active fight only a year before, are not known. One possibility may have been that he was opposed to Irish Home Rule and therefore in conflict with his party leader. It may also have been because his defeat was too probable to risk standing and he wished to end his Parliamentary career more honourably than being beaten by a crofter's son.⁵⁵ It may also have been due to family pressure. There was a strange report in the *Scottish Highlander* in the run-up to the 1886 election that the Sutherland family had asked Mr John MacKay, Hereford, to stand against Angus Sutherland in 1886. MacKay had been a frequent and at times, unpopular correspondent of the estate and was a staunch and well-known crofter supporter. He had, however, thrown his influence behind Stafford in 1885 and was against Irish Home Rule, and this may have placed him in the family's favour. As the *Scottish Highlander* put it,

Mr John MacKay, Hereford...was urged by the ducal family to stand against Mr Sutherland for the county. Mr MacKay not only refused to do so but also strongly advised that Mr Sutherland should on this occasion be allowed to walk the course without a contest. We hope the result will be the complete oblivation of the misunderstanding which had arisen at the last election between many of the Sutherland people and Mr MacKay, the best and truest friend of the Highlanders, whom the North has yet produced.⁵⁶

In the end, it was a Liberal Unionist, R. W. M. Fullerton, who stood against Angus Sutherland. Rather predictably, Fullerton lost, leaving Sutherland with 71.5% of the

⁵⁵ MacPhail, 'Highland Elections,' 388; Cannadine, *Decline and Fall*, 191-92.

⁵⁶ *Scottish Highlander*, 24 Jun. 1886.

vote.⁵⁷ For this, the Sutherland crofters avoided another lashing from the *Scottish Highlander*, which had suggested that if Sutherland failed to win again, ‘we should be disposed to think after all that they deserved all the misery inflicted upon them by the Lochs and Sellars.’⁵⁸ During the new session, the government passed its own Crofters Bill; in comparison with Stafford’s Bill, it was of much narrower scope, but, probably due to that, more acceptable to all parties. Angus Sutherland had little opportunity to influence the new Act, coming in a year after his fellow crofting M.P.s, but he soon put his shoulder to the wheel in other ways.

⁵⁷ Dr Macdonald retained his seat in Ross-shire, a result one of the Cromartie estate staff described as ‘crushing.’ NAS, GD 305, Estate Correspondence, 1886, Alex. Ross to Gunn, 17 Jul. 1886; see also 13 Jul. 1886.

⁵⁸ Craig, *Election Results*, 562; *Scottish Highlander*, 1 Jul. 1886.

'Too much one-sided on democratic terms:' political activities, 1886-1894⁵⁹

After the excitement and upheaval of the 1885 and 1886 elections in Sutherland, the political scene stabilised as Angus Sutherland M.P. consolidated his position, both as the crofters' champion and within the Liberal party hierarchy.⁶⁰ There was no love lost between Sutherland and the estate management, but it rapidly got used to its new M.P., despite some strenuous personal opposition to both the man and the party. As for Sutherland, he never made any steps towards friendship with the ducal house or its estate management, even when it was explicitly offered in 1889.⁶¹ Any move towards reconciliation would have damaged Sutherland's radical credentials and his standing in the eyes of the Sutherland crofters, who, from their evidence to both the Napier and Deer Forest Commissions, had made clear that they blamed the Sutherland family and estate for their grievances, and felt betrayed by them over the clearances and later estate policy. It would have been bad politics for Sutherland to go over to the Duke's side once he had been elected.

As M.P., Sutherland was active on behalf of the crofters on the estate, as well as keeping up his ties with the Irish nationalist movement, first forged in Glasgow. In 1887, Sutherland toured the Highlands with the leading Irish radical Michael Davitt, giving speeches to the Sutherland crofters at Helmsdale and Lochinver. These speeches touched directly on their particular grievances, such as the continuing effect of the clearances. In Assynt, a major new phase of the Clashmore troubles had just erupted, giving Sutherland and Davitt the opportunity to highlight the deficiencies of the 1886 Crofters Act in meeting the crofters' demands for land and to further attack the Sutherland estate management for their response to the violence.⁶² Davitt and Sutherland ensured their popularity by always addressing the local grievances of the crofters they visited, to make their speeches as relevant as possible: for example at Lochinver, 'Mr Davitt then spoke on the land question. He

⁵⁹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 26 Dec. 1889.

⁶⁰ Newby, 'Shoulder to Shoulder,' 288.

⁶¹ Newby, 'Shoulder to Shoulder,' 315, 318.

⁶² Newby, 'Shoulder to Shoulder,' 291.

seemed to be well acquainted with local evictions and grievances, and had studied the evidence given in Assynt before the Royal Commission.⁶³

Sutherland went back to Clashmore in early 1888, to try to convince the crofters there to halt their violent agitation. The estate was in desperate straits in early 1888, or they would never have agreed to let Sutherland speak to the Clashmore crofters; indeed, they blamed his Sutherlandshire Association and other 'leaguers' for encouraging the crofters in the first place, and would rather see Sutherland's right-hand man, John MacLeod of Gartymore, behind bars than among the crofters, 'It seems to me so very sad that a lot of very fine people should be misled by these famous land leaguers. Is there no law by which such a man as MacLeod of Gartymore could be taken up?'⁶⁴

Sutherland was also deeply involved in the trial of the Clashmore rioters in early 1888, heading a deputation to Lord Lothian at the Scottish Office to mitigate the harsh sentences passed against the four convicts and was active in the House of Commons and in Committee for them.⁶⁵ He had stepped in for the Assynt crofters on a previous occasion in 1888, when the Crofters Commission began its sittings there, managing to postpone them until the majority of the crofters were back from the fishings. These were Sutherland's most prominent direct activities on behalf of his crofter constituents, but he also remained active in the Sutherlandshire Association and Highland Land League [hereafter HLL], as did his erstwhile deputy, MacLeod of Gartymore. The HLL and the Sutherlandshire Association continued to wield heavy influence over crofter opinion in Sutherland and, through meetings and establishment of local branches, retained much of its control in the wake of the 1886 Crofters Act.⁶⁶

The biggest challenge Sutherland had to face during his tenure as M.P. was in 1892, when John MacKay of Hereford stood to contest the county seat on an Independent Radical ticket, although he was widely recognised as the Unionist

⁶³ *Scottish Highlander*, 12 May 1887.

⁶⁴ NLS, Acc. 10225, Policy Papers, 200, Wright to McIver, 9 Jan. 1888 and 14 Jan. 1888.

⁶⁵ *Scottish Highlander*, 26 Apr. 1888 and *Hansard Parliamentary Debates*, 3rd ser., 322, 1030-1034, 21 Feb. 1888.

⁶⁶ Newby, 'Shoulder to Shoulder,' 257.

candidate.⁶⁷ This contest was a threat to Sutherland because MacKay was generally seen as a great friend of the crofters and a solid radical on the land question: that he was against Irish Home Rule could have worked in his favour also. The Sutherland estate management was deeply interested in this election, and did as much as possible to influence its outcome,

The Duke of Sutherland wishes that John MacKay, Hereford, should succeed in the coming election...and he does not object to make that known, but he does not want to interfere much on it. At the same time he is aware that many of the electors in Sutherland do not understand or think of the importance of maintaining the Union of Ireland with Great Britain, and also the evil consequences of the Dis-establishment – a party who are disposed to take all the income of the Church of Scotland from religious men and devote them to worldly or secular purposes. Angus Sutherland is tied to that party...[requests information as to possible voting in Assynt]...This information for myself privately. Meantime I do hope and trust that you will see it your duty to do all you can in a quiet way for Mr MacKay.⁶⁸

On his canvassing tour of Sutherland, MacKay was helped by the Sutherland factors and called on McIver; perhaps little-knowing that this was a sure way to turn the crofters against him and lead them to suspect he was in the Duke's pocket.⁶⁹ This impression was confirmed by unfavourable coverage from an influential newspaper in Sutherland, the *Scottish Highlander*, edited by Alexander MacKenzie, the noted crofter champion, which made clear to its readers that, 'as stated in well-informed quarters, that he is to have the support, not only of the Duke

⁶⁷ Newby, 'Shoulder to Shoulder,' 320.

⁶⁸ NLS, Acc. 10225, Factor's Correspondence, 1964, McIver to Morrison, Kinlochbervie G.O., 20 Jun. 1892.

⁶⁹ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 2 Mar. 1892 and 7 Jun. 1892: Factor's Correspondence, 1964, McIver to Gordon, 26 Feb. 1892: 1974, Gordon to McIver, 13 Jun. 1892.

but also of the Marquis of Stafford.⁷⁰ Sutherland was granted further support from another newspaper, the *Highland News*. In 1886, Sutherland and MacLeod had managed to buy the newspaper, effectively giving them a free instrument of propaganda for their constituency.⁷¹ It reported in minute detail the speeches and voting records of both Angus Sutherland and his political enemies and produced long editorials on their views of government policy and the Sutherland estate.

Sutherland retained his seat with relative ease. The influence and organisational power of the Sutherlandshire Association, his tenure of six years and his continuing high profile in crofting matters were certainly part of this success. The factors resigned themselves to the fact that the county seat was unlikely to be won by a candidate favourable to the estate; even John MacKay, Hereford, although a Unionist, would still have been too radical on the land question for comfort.⁷² The sustained activity of the Sutherlandshire Association and its two most important leaders, Angus Sutherland and John MacLeod of Gartymore assured the continuing politicisation and confidence of the Sutherland crofters, even after Sutherland retired from his seat in 1894 to become Chairman of the Scottish Fishery Board.⁷³

Perhaps another reason for Angus Sutherland's popularity was his active campaigning for the first County Council elections in Sutherland, to be held in 1890. Sutherland, much to the consternation of the factors, seems to have spent time touring his constituency holding meetings to encourage the crofters to vote and to, 'rouse up the people about the elections to the County Council...His advice was that they should return more of their own class - no rich sheep farmer...or any of the old set of Commissioners of Supply.'⁷⁴ The estate factors resented what they saw as Sutherland's interference: they recognised the county seat was irrevocably lost, and so clung all the more to the belief that their local political strength had to remain intact. All of the estate factors stood for election, as well as Gordon, the Assynt sub-factor, to ensure that the Duke's interests would be represented on the new

⁷⁰ *Scottish Highlander*, 11 Feb. 1892 and 23 Jun. 1892.

⁷¹ Newby, 'Shoulder to Shoulder,' 220.

⁷² Newby, 'Shoulder to Shoulder,' 320.

⁷³ Newby, 'Shoulder to Shoulder,' 327-8.

Council, although some had misgivings as to their potential success.⁷⁵ McIver was against the Council on principle, for being, 'too much one-sided on democratic terms in this county...I shall do my best to get in for Eddrachillis but it is doubtful I fear...The people are full of the wildest ideas of the many benefits the County Council could confer upon them.'⁷⁶ McIver also complained bitterly that the crofters could no longer be trusted to vote the way they pledged, 'Such is the effect of the secrecy of the ballot on unprincipled people! It leaves one in uncertainty what the result may be.'⁷⁷ The factors were not too shocked when the results came in, as their predictions had for the most part come true; out of the nineteen seats of the Sutherland County Council, seventeen, as McIver put it, 'have been gained by radicals and land leaguers.'⁷⁸ Of all the factors and other estate staff who stood for election, only Donald MacLean gained a seat, a disaster for the interests of the estate. There was much bitter reflection among the staff once the results had been posted, from McIver most of all, 'We are well out of such a Council! formed of Radicals, Land Leaguers and troublesome Clericals! But the revelation to me is the duplicity of so many I have known for years is truly most disappointing and trying to us in the future!'⁷⁹ The other factors were equally disappointed and apprehensive about the future policies of such a Council.⁸⁰ Some blamed their defeat partly on the actions of a number of unnamed 'outside' agitators who, they alleged, had been brought in to stir up the people against the estate. This assertion was probably inaccurate; it was local ministers and crofters involved in the Sutherlandshire Association who were the most active in the run up to the elections, and most of the

⁷⁴ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 26 Nov. 1889 and Factor's Correspondence, 1963, McIver to Gordon, 21 Nov. 1889. See also Newby, 'Shoulder to Shoulder,' 311.

⁷⁵ J. P. D. Dunbabin, 'Expectations of the new County Councils and their realisation,' *Historical Journal*, 8 (1965), 353-355.

⁷⁶ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 26 Dec. 1889, 27 Dec. 1889, 3 Jan. 1890 and 21 Jan. 1890: Adonis, *Making Aristocracy work*, 189-90.

⁷⁷ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 21 Jan. 1890.

⁷⁸ NLS, Acc. 10225, Policy Papers, 217, McIver to Wright, 7 Feb. 1890. See also Newby, 'Shoulder to Shoulder,' 312; Cannadine, *Decline and Fall*, 160; J. Hunter, 'The Politics of Highland Land reform, 1873-1895,' *Scottish Historical Review*, 53 (1974), 61.

⁷⁹ NLS, Acc. 10225, Factor's Correspondence, 1963, McIver to Gordon, 7 Feb. 1890.

⁸⁰ NLS, Acc. 10225, Policy Papers, 151, Wright to Box, 7 Feb. 1890 and 10 Feb. 1890: 203, Wright to McIver, 10 Feb. 1890.

candidates were locals.⁸¹ Some speakers did come to give speeches to the crofters, however, which may have told against the factors. As Box told MacLean, 'There was no mistake about it. The night before the election an imported firebrand worked them up to such an extent, pointing out the suicidal folly of their choosing a factor for their representative...it would appear they went over en masse and left me out in the cold.'⁸² The factors were not satisfied with the winning candidates either, variously regarding the new Councillors as ill trained, hypocritical and foolish. Box claimed the Farr Councillor could barely read or write and McIver crowed that they would never be able to fulfil the promises they had made to the crofters on their election.⁸³

The Sutherland factors evidently felt deeply threatened by the County Council. Having to stand for election in a new and hostile political climate must have been daunting after decades of taking local seats as an unchallenged privilege.⁸⁴ The workings of a new and radical County Council was also looked upon with consternation. One of the reasons for the factor's apprehension may have been that as the county parliamentary and local school and parochial board seats had been lost some time previously to the Crofter side, the factors were counting even more heavily on regaining their local political influence through the County Council. This was also denied them, however. Their ascendancy over the School and Poor Boards had been damaged in the late 1880s, as crofters across Sutherland were politicised by the Franchise Acts of 1884/5 and encouraged by their M.P. and the Sutherlandshire Association to become more active.⁸⁵ As early as 1888 the Scourie factors were fretting over the School Board election: 'Under ordinary circumstances

⁸¹ Newby, 'Shoulder to Shoulder', 311.

⁸² NLS, Acc. 10225, Factor's Correspondence, 1487, Box to MacLean, 8 Feb. 1890. Also, Policy Papers, 217, McIver to Wright, 7 Feb. 1890.

⁸³ NLS, Acc. 10225, Factor's Correspondence, 1487, Box to MacLean, 8 Feb. 1890: 1964, McIver to Alex. Gunn, G.O., 17 Feb. 1893: 1973, Gordon to McIver, 8 Feb. 1890: 1974, Gordon to McIver, 23 Nov. 1892. The result in Caithness was very different, where it was noted that, 'the Conservative or Moderate party have had their hand considerably strengthened,' Ulbster Estate MSS, Factor's Letterbook 1880-1887, Logan to Sir Tollemache, 14 Dec. 1892.

⁸⁴ Richards and Clough, *Cromartie*, 341.

⁸⁵ On the Cromartie estate, challenges to the factors' supremacy in the School and Poor Board elections were also worrying issues. See NAS, GD 305, Estate Correspondence, 1885, Wm. Gunn to Kemball, 1 Apr. 1885; 1887, Alex. Ross to Rev. L. Sanderson, 18 Apr. 1885; 1901, Alex. Ross to Gunn, 6 Apr. 1895.

we might afford to let matters take their course, but seeing that political capital is being made out of the results so as to undermine the estate management and if possible to ensure its very destruction I am of opinion it is necessary to oppose such efforts in every possible way.’⁸⁶ The factors saw their traditional lines of power snapped in these elections and in legislation for crofters; as a result they made apocalyptic pronouncements as to the downfall of the Sutherland estate itself. MacLean’s fate on the Council did not help to dispel this feeling of gloom. In late 1892, he pleaded with the Duke to be allowed to step down for two main reasons. The first was that he believed his presence there, unsupported by anyone else with the same interests, was, ‘little else for me than an absolute waste of time; and, so far as I can learn, there is little likelihood of the new council being differently constituted.’⁸⁷ His second reason was that he believed that with the introduction of the Small Holdings and Allotments Act in 1892, potential dealings between the Council and the estate as to land purchase would lead to an intolerable clash of interests: ‘the factor in whose district land was to be treated for might be a very awkward one if he was member of the Council...and he could not consistently serve both your Grace and the Council.’⁸⁸ The Duke agreed and the Sutherland County Council lost its only member connected to the estate that covered most of its jurisdiction.

The shock of this loss of local influence hit the factors hard, none more so than McIver; most of his career had been spent in a political climate where estate interests, especially at a local level, had reigned supreme and with no secret ballot, for decades he had been able to closely control election results. McIver was against the whole idea of a County Council, and the factors’ failure to get onto it merely confirmed his black view of the whole matter. Although McIver’s views were the most extreme, most of the other factors agreed with him to some extent. They all feared the Council as they had no control over it, and their attempts to gain a seat had been publicly and humiliatingly snubbed. This may account for some of the

⁸⁶ NLS, Acc. 10225, Factor’s Correspondence, 1972, Gordon to McIver, 8 Mar. 1888: 1974, Gordon to McIver, 29 Feb. 1892.

⁸⁷ NLS, Acc. 10225, Policy Papers, 106, MacLean to Duke, 15 Nov. 1892.

⁸⁸ NLS, Acc. 10225, Policy Papers, 106, MacLean to Duke, 10 Nov. 1892.

extraordinarily bitter language that came from them, even from moderates like John Box. They blamed their failure on the work of local land leaguers, prominent merchants, ministers and school teachers. Some of their rage at this group stemmed from a sense of betrayal and fear; after all, they were of the same class and education, but for reasons that the factors were unable to fathom, they had chosen to support the crofters. It could be argued that it was 1890, with the first elections for the Sutherland County Council, rather than 1886, that was the real political watershed in Sutherland. These elections truly demonstrated to both the factors and the crofters that the estate's political influence had been effectively broken; that the county seat remained in the hands of a prominent land agitator only served to reinforce this defeat.

'How are the Mighty Fallen!': Politics in Sutherland, 1894-1910⁸⁹

After Angus Sutherland's resignation from the Sutherland county seat to take the Chair of the Scottish Fishery Board in 1894, his erstwhile assistant, advisor and propagandist, John MacLeod of Gartymore, replaced him in an unopposed election. These were the glory years of the Angus Sutherland party and the Sutherlandshire Association; their grip on the county seat seemed invincible. MacLeod of Gartymore campaigned on behalf of the crofters and edited his newspaper tirelessly. As one report put it, 'Gartymore has done more yeoman service for the Highlands and the Liberal Party in and out of Parliament in a year than Leveson Gower [his opponent in the 1900 election] will do in a century.'⁹⁰ This assertion comes from a biased source, but there was still some truth in it; MacLeod had worked hard from humble beginnings in the 1880s, had helped mould the influential Sutherland Association and done much of the leg work for the better-known Angus Sutherland.⁹¹ His reward seemed to be a safe seat, but this illusion was broken in 1900, during the 'khaki' election of that year.

For the first time since 1892, the sitting Liberal candidate in Sutherland was to face an opponent, in the form of Mr Leveson Gower, a Liberal Unionist from the south and a cousin of the 4th Duke of Sutherland. He had been educated at Eton and Oxford, had travelled extensively and was a noted debater in his university days.⁹² He was immediately branded by the *Highland News* as a, 'very suitable gentleman for representing the interests of the House of Dunrobin in Parliament.'⁹³ The crofting press went further and gleefully reminded its readers about the record of the 4th Duke when he had been M.P. for the county as the Marquis of Stafford and done little or nothing to help the Sutherland crofters, despite professing to be a radical.⁹⁴ But despite the negative publicity and the history of the seat for the past fifteen years, it was Leveson Gower who won in 1900, to the shock of MacLeod

⁸⁹ *Highland News*, 5 May 1906.

⁹⁰ *Highland News*, 23 Aug. 1902. See also 22 Sept. 1900.

⁹¹ Newby, 'Shoulder to Shoulder', 185-6, 210, 221, 225.

⁹² *Northern Times*, 18 Oct. 1900.

⁹³ *Highland News*, 18 Aug. 1900. See also 29 Sept. 1900.

⁹⁴ *Highland News*, 29 Sept. 1900.

and his supporters. One letter writer wailed, 'My countrymen seem to have forgotten that they owe their poverty and distress to the House of Sutherland...When I read the result in my morning paper on Friday, I saw the smoke of the burning homesteads of both my grandfathers rise to heaven again as a protest.'⁹⁵

How did Leveson Gower win in Sutherland? Firstly, the election across the country was a landslide victory for the Tory party and Liberal Unionists, for they were the parties associated with the booming economic conditions and imperialist sentiment that were associated with the Boer War.⁹⁶ It was support for this war that had helped win the election for the Tories elsewhere and perhaps for Leveson Gower in Sutherland also. Many Sutherland men were away fighting, in regular regiments or Lord Lovat's Scouts, a regiment that gathered together stalkers and ghillies from the Highlands who would be useful sharp shooters in the unforgiving South African landscape.⁹⁷ MacLeod of Gartymore had taken an openly 'pro-Boer' stance from 1899, a sentiment clearly visible in his newspaper, the *Highland News*. It was this controversial stance that probably lost him his seat; the Liberals generally were deeply divided on the war question, but it would not be until 1901-2 that criticism of the war was more generally accepted.⁹⁸ Despite the fact that Leveson Gower was widely seen as the 'landlord' candidate, he was still voted in on the strength of feeling about the Boer War.⁹⁹ Secondly, it seems clear that despite his reputation for hard work, MacLeod was not a frequent attendee at the Commons. He was ridiculed in the press for his absenteeism, which included a trip to Australia from March to September 1900, for health reasons.¹⁰⁰ This

⁹⁵ *Highland News*, Letter to the Editor from 'Kinlochbervie,' 20 Oct. 1900.

⁹⁶ I. G. C. Hutchison, *Scottish Politics in the Twentieth Century* (Basingstoke, 2001), 4-6; N.

Blewett, *The Peers, the Parties and the People: the general elections of 1910* (London, 1972), 19.

⁹⁷ NLS, Acc. 10225, Policy Papers, 107, MacLean to Duke, 5 Jan. 1900; E. McIver, *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander McIver of Scourie*, (ed.) Rev. G.

Henderson, (Edinburgh, 1905), 156-158; Blewett, *Elections of 1910*, 19-20.

⁹⁸ Blewett, *Elections of 1910*, 22-23; J. Auld, 'The Liberal Pro-Boers,' *Journal of British Studies*, 14 (1975), 89, 91.

⁹⁹ Auld, 'Liberal Pro-Boers,' 89, 91; P. Readman, 'The Conservative Party, patriotism and British politics: the case of the General Election of 1900,' *Journal of British Studies*, 40 (2001), 109-11, 131, 139.

¹⁰⁰ *Northern Times*, 22 Jun. 1899, 7 Sept. 1899, 26 Oct. 1899, 15 Mar. 1900, 12 Apr. 1900; *Northern Ensign*, 2 Oct. and 16 Oct. 1900.

absenteeism, combined with an unpopular stance on the Boer War and his close relationship with a number of notable Irish Nationalist M.P.s, cost MacLeod his seat.¹⁰¹

Leveson Gower's record in Parliament was not a dishonourable one, despite the constant criticism he received from the crofting press. In 1901, he drafted a new Crofters Bill, aimed principally at improving the lot of crofter-fishermen. It was sent to the Sutherland estate for suggestions and approval, which it did not receive, 'I see no need whatever for such a Bill and it is in no way necessary to this County, and if passed would only create difficulty and trouble,' was the conclusion of one factor.¹⁰² Leveson Gower faced worse from some of his crofter constituents, however, who would never forgive him for his relationship with the ducal family. A correspondent of the *Highland News* remarked, 'ye gods! the people of Sutherland have sent to Parliament as their chosen representative a scion of that ever detestable house, a Leveson-Gower...His relations to the Duke and to the monied classes in general are such that in common fairness we cannot expect him to render us the return that the confidence that an electorate demands.'¹⁰³

Leveson Gower did not remain long in this uncomfortable position, however; in 1906 another general election was held and the 4th Duke was concerned enough by the evident change of mood of the county's electorate that he wrote to MacLean, 'I therefore trust that they [Liberals] will not be successful in Sutherland, and rely on your discretion in not taking any estate action that may lose us votes.'¹⁰⁴ This request shows that the Duke still believed in the power of the estate to influence politics in Sutherland, perhaps not such an unreasonable assumption after five years of a Leveson Gower as M.P. The election was nevertheless lost to a Liberal despite the estate's best efforts to keep on the good side of the crofting electorate.¹⁰⁵ In line with the Liberal landslide elsewhere in Britain, Sutherland elected Alpheus Cleophas Morton, an architect educated in Canada, now an important figure in

¹⁰¹ *Northern Times*, 26 Oct. 1899, 2 Dec. 1899, 30 Aug. 1900, 27 Sept. 1900.

¹⁰² NLS, Acc. 10225, Crofters, ZB/a, MacLean to Macaulay, 29 Mar. 1901.

¹⁰³ *Highland News*, letter to the Editor from 'Beinn-Armuinn,' 6 Sept. 1902.

¹⁰⁴ NLS, Acc. 10853, Policy Papers, 51, Duke to MacLean, 4 Jan. 1906.

¹⁰⁵ Cannadine, *Decline and Fall*, 149.

London's financial and charitable circles.¹⁰⁶ The 5th Duke later labelled him the, 'carpet-bagger from Clapham.'¹⁰⁷ Morton had been M. P. for Peterborough from 1889-1895, and was a member of the Common Council of the City of London and on the Thames Conservancy Board.¹⁰⁸ As far as it is possible to ascertain he had no Sutherland or Highland connections, but despite this did have the support of the crofting press. He was described in one newspaper as, 'A shrewd and successful man of affairs, carrying great influence in commercial circles in the great Metropolis, Mr Morton has been for many years a prominent and active friend of the Highland crofters.'¹⁰⁹ Morton was an active M.P. on behalf of the crofters, frequently writing to the CDB on their behalf and supporting the Small Landholders Bill through its tortuous passage through Parliament.¹¹⁰

Despite the support of the crofters, the press and the general feeling in Britain against the Tories in these years, Morton would have to defend his seat against vigorous campaigns in the two general elections of 1910, both led by young landowners with real hopes of winning against the carpet-bagging Londoner. In the first election, in January 1910, it was the young Cameron of Lochiel who stood in Sutherland for the Conservative interest, backed by the ducal family.¹¹¹ Lochiel started campaigning early in 1908 and the Duke roused the estate staff to support him and report on his reception and potential success. Taylor, sub-factor on the west coast, was not sanguine, 'I think we can depend upon all the keepers, watchers and ground officers on voting on the Unionist side but many of the salmon fishermen are "doubtful." I am to pay them all a visit in the course of a few days

¹⁰⁶ M. Stenton, and S. Lees, *Who's Who of British Members of Parliament, vol. II, 1886-1918* (Sussex. 1978), 258; Blewett, *Elections of 1910*, 36, 42; Adonis, *Making aristocracy work*, 263-64.

¹⁰⁷ 5th Duke, *Looking Back*, 65.

¹⁰⁸ *Times*, 17 Feb. 1906.

¹⁰⁹ *Highland News*, 17 Mar. 1906. See also 27 Jan. 1906.

¹¹⁰ NAS, AF42/3192, Morton to CDB, 6 Apr. 1906 and AF42/4499, Morton to CDB, 17 Jan. 1908; NLS, Acc. 10853, Policy Papers, 51, Alex. Simpson to MacLean, 27 Jun. 1906.

¹¹¹ *Highland News*, 4 Apr. 1908; Cannadine, *Decline and Fall*, 50. The 4th Duke had taken a Liberal Unionist stance in 1886, and over the years, had turned to the Conservative party as the Liberals, as he saw it, attacked landowners' interests. The 4th Duke made this conversion at some point between 1901-1906 in common with many aristocratic families from a Whig background; see Adonis, *Making Aristocracy Work*, 9, 11. Cameron of Lochiel (26th Chief) was born in 1876, inheriting the family estates in Inverness-shire in 1905. He had a distinguished military career, seeing action in the Boer War and World War I: he would never hold a seat in the Commons.

and do what I can amongst them.'¹¹² Morrison was also concerned about the voters in his management, 'Melness is still very Radical and they are difficult to move.'¹¹³ The auguries were not good for Lochiel, despite the real effort put into his campaign. A jingle was coined, to remind the crofters of who their real friends were,

You smiled, you spoke and we believed,
By every word and smile deceived.
Other men would hope no more,
Nor hope what we had hoped before.
But let not this last wish be in vain –
We want Cleophas Morton to lead and gain.¹¹⁴

There was worse to come for Lochiel, although the blow was not from his enemies in the press or among crofter activists; it came, unwittingly, from the Duke. In late December 1909, the Duke penned an open letter to his estate staff laying out his views on the issues at stake in the forthcoming election, specifically the 'People's Budget' and Tariff Reform, the latter which he ardently supported.¹¹⁵ He feared,

The alternative policy, which is the policy of the present Government, and the Budget, which should be revived, is an increased income tax, a super tax, and increased and increasing Death Duties, which will be put on all employers of people who live on and by the land...The result therefore must be reduced employment, and all capital that can be moved will continue to leave the country and go abroad...Nothing would give me greater

¹¹² NLS, Acc. 10225, Factor's Correspondence, 1930, Taylor to Duke, 10 Jan. 1910.

¹¹³ NLS, Acc. 10225, Factor's Correspondence, 1541, Morrison to Duke, 17 Jan. 1910.

¹¹⁴ *Highland News*, 10 Oct. 1908. See also, 9 May 1908.

¹¹⁵ B. K. Murray, *The People's Budget 1909/10: Lloyd George and Liberal politics* (Oxford, 1980), 1, 250; 5th Duke, *Looking Back*, 44; A. Sykes, *Tariff Reform in British Politics, 1903-13* (Oxford, 1979), 3-6.

sorrow than being forcibly compelled to reduce wages and pensions.¹¹⁶

This letter was forwarded to all estate factors and workers, and almost immediately leaked to the press, to devastating effect. The factors were not at all sanguine that the letter would lead to positive results, Morrison politely informing the Duke that his letter had, 'been received in various ways. It has made a good many think and consider the subject more than they used to, while others treat it in an indifferent spirit.'¹¹⁷ Morrison pointed out that despite the Duke's emphasis on Tariff Reform, the people's, 'great desire is "Land Reform,"' and that with this in mind, the crofters were unlikely to take much away from the letter except the implicit threat.¹¹⁸ It was this that the newspapers picked up on, lampooning the Duke for 'Budgetitis,' and sarcastically pointing out, 'What is the good of being a Duke and a landowner if you are not permitted to dictate to your estate hands what their political opinions ought to be, and how they must vote, and how they must suffer if they refuse to obey?'¹¹⁹ By his ill-advised intervention, the Duke had ensured Morton's return as M.P.¹²⁰ This letter also buried once and for all the Duke's 'Radical' sobriquet; of course, he had long since ceased to support radical Liberalism, or even Liberal Unionism, but the politics of Lloyd George and his 'People's Budget' brought out his reactionary and paranoid streak. It was to little avail, however; after the publication of his letter, the Duke became an object of political fun. The 4th Duke was not the only member of the landed classes who made extraordinary statements, and they only further damaged his image in the eyes of the crofting electorate. Winston Churchill (then a Liberal M.P.), described

¹¹⁶ Copy in *Highland News*, 1 Jan. 1910; Murray, *People's Budget*, 179-180.

¹¹⁷ NLS, Acc. 10225, Factor's Correspondence, 1541, Morrison to Duke, 5 Jan. 1910.

¹¹⁸ NLS, Acc. 10225, Factor's Correspondence, 1541, Morrison to Duke, 5 Jan. 1910. See also 1540, Morrison to Duke, 19 Dec. 1909; 1930, Alex. Taylor to Duke, 10 Jan. 1910; Murray, *People's Budget*, 9.

¹¹⁹ *Highland News*, 1 Jan. 1910.

¹²⁰ Blewett, *Elections of 1910*, 74-76; Cannadine, *Decline and Fall*, 48-50, 53; Adonis, *Making Aristocracy work*, 266-67; *John O Groat Journal*, 31 Dec. 1909.

the outburst, of which the 4th Duke was a part, as, 'the dismal dirge of the dilapidated duke.'¹²¹

Lochiel was beaten by 656 votes in an election that saw an 83.7% turnout, a signal defeat for the young landowner.¹²² As the *Highland News* triumphantly pointed out, 'Lochiel is not a politician. We like the name, and we like the kilt, but common sense must have priority over these.'¹²³ The Sutherland estate management were disappointed, and blamed the west and north coast electorate for the defeat,

The East coast boxes showed a majority for Lochiel, but the west and north coast boxes were wretched. Assynt was particularly bad and there was great disappointment with the Stoer box which revealed almost a solid vote for Morton. These people are terribly deceptive. They deserve no further help and I don't suppose the Duke will give them any. They must be told that we know how they have voted.¹²⁴

The bitterness of MacLean, as well as the tactics used in the campaign by the estate, were reminiscent of the 1885 election, and demonstrated just how much was riding on the outcome for the estate in the eyes of the Duke.¹²⁵

Electoral excitement for 1910 was not over, however, as another election was called for the December of that year due to the contentious issue of House of Lords reform.¹²⁶ Lochiel, perhaps not surprisingly, bowed out as the Tory candidate and was replaced by the Marquis of Stafford, the eldest son of the Duke.¹²⁷ The crofting press, buoyed up by Morton's recent victory, did not believe Stafford had a chance, 'Most people will be genuinely sorry for the Marquis. We all know that he will stand up only to be knocked down...When it comes to a choice between National

¹²¹ Blewett, *Elections of 1910*, 74.

¹²² Craig, *British Parliamentary Election Results, 1885-1918*, 562. This result reflected the overall picture of results in Britain: the Liberals suffered losses elsewhere, but their vote held up in Scotland. See Blewett, *Elections of 1910*, 36-42.

¹²³ *Highland News*, 29 Jan. 1910. See also, 19 Feb. 1910.

¹²⁴ NLS, Acc. 10225, Factor's Correspondence, 458, MacLean to Alex. Taylor, 29 Jan. 1910.

¹²⁵ NLS, Acc. 10225, Policy Papers, MacLean to Duke, 29 Jan. 1910.

¹²⁶ Blewett, *Elections of 1910*, 155-168.

and Imperial matters, and loyalty to a ducal house, the electors of Sutherland may be depended upon to take the higher and patriotic line.'¹²⁸ Although the *Highland News* was to be right in this prediction, the December 1910 election campaign was in many ways remarkable and the outcome was not so certain as was assumed. The estate certainly put a huge effort into this campaign, and this was reflected in the result. The most active campaigner was the Marquis's mother, the Duchess Millicent, who stuck by him on the campaign trail and was so popular that she often overshadowed her son, something the newspapers were quick to satirise, 'Prosecuting with her accustomed energy the fight for Tory supremacy, the Duchess of Sutherland appeared at a meeting in Golspie...She was accompanied by her son, who is also taking an interest in the contest.'¹²⁹ Unfortunately, she seems to have been more popular than her son, who was a rather lacklustre speaker, 'All the people are raving about the Duchess. I never heard her speak so well, she fairly thrilled the audience.'¹³⁰ The Duchess was not the only weapon the estate had at its disposal; the Duke allowed for money to be spent on crofter improvements through Lord Stafford in 1910, a programme known as, 'Lord Stafford's Works,' as a bid to increase his popularity in the constituency.¹³¹ There was a clear link through this tactic to the 1885 election campaign, when the then Marquis had used estate funds to furnish crofters with improvements on their lots and dole out rent reductions. Stafford's election agent in Sutherland, A. Macaulay, also the estate's lawyer in Golspie, called in favours from all the farmers and shooting tenants, by persuading them to travel to Sutherland to vote.¹³²

Despite all of this activity, the voters were not convinced, perhaps because of the striking similarities between the 1910 contest and the fight of 1885. In 1910, the

¹²⁷ *Highland News*, 26 Mar. 1910.

¹²⁸ *Highland News*, 26 Mar. 1910.

¹²⁹ *Highland News*, 10 Dec. 1910; Cannadine, *Decline and Fall*, 564.

¹³⁰ NLS, Acc. 10225, Crofters, C/b, A. Henderson to Macaulay, 10 Dec. 1911. See also C/c, Morrison to Macaulay, 29 Nov. 1910

¹³¹ NLS, Acc. 10225, Crofters, C/b, MacLean to Macaulay, 1 Dec. 1910; Factor's Correspondence, 1544, Morrison to Macaulay, 16 Jan. 1911.

¹³² NLS, Acc. 10225, Crofters, C/b, James Duff to Macaulay, 20 Nov. 1910; D. McIver to Macaulay, 23 Nov. 1910; Wm. Macaulay, Inspector, Rogart to Macaulay, 23 Nov. 1910; James Brown[?] *Inverness Courier* Office to Macaulay, 8 Dec. 1910; Andrew Anderson, merchant, Bonar Bridge to Macaulay, 12 Dec. 1910; A. Gunn, overseer, Durness to Macaulay, 13 Dec. 1910; J. S. MacKay, Brora to Macaulay, 3 Dec. 1910; Peter Keith, factor on Ulbster estates to MacLean, 9 Dec. 1910.

ducal family repeated the pattern of a young heir going through his 'Radical' phase; although standing as a Tory, Stafford did promise more land for the crofters. As he put it later, 'I thought that as their M.P. I might be able to help the crofters and gillies – a few of whom still harboured grievances about the so-called "evictions" – by acting as their mouthpiece.'¹³³ The crofting press was not convinced, 'The people of Sutherland still remember the election of 1885. They remember His Grace's promises. They remember that His Grace failed to keep the promises which he had made...The next contest will be different from the 1885 one.'¹³⁴ Just as the Duke had ruined Lochiel's chances earlier in the year, the memory of his political career in the 1880s was being used as a reason to reject his heir at the polls.¹³⁵ Also, Unionists as a whole in Britain had used the December election to focus on the constitutional fate of the House of Lords; an unpopular institution in Sutherland due to its repeated rejection of the Small Landholders Bill.¹³⁶ The land issue was still of primary importance in Sutherland, and Scotland as a whole, and the Unionist campaign had generally neglected this in favour of Tariff Reform and the Lords, to its cost.¹³⁷ The contest was close, however, a reflection of the work the estate had put into the campaign. The marquis lost, but only by 187 votes, cutting Morton's majority by over 400.¹³⁸ The *Highland News* was triumphant, 'As a man, the Marquis is, of course, a nonentity, but his position made him a formidable opponent to Mr Morton...The feudal screw was applied up to the torture point.'¹³⁹ The Sutherland estate was disappointed, but not without hope, the factors being agreed that he would get in next time with more time to prepare, 'With better organisation I am confident His Lordship would have been returned and that is the opinion of many notwithstanding the wretched vote on the north coast.'¹⁴⁰ The Duchess was still in fighting spirit and ready for action, but found her son sadly lacking in political ardour, 'Geordie [Lord Stafford] goes to east africa [sic] Febry to April.

¹³³ 5th Duke, *Looking Back*, 65.

¹³⁴ *Highland News*, 1 Sept. 1906. See also 10 Dec. 1910.

¹³⁵ *Highland News*, 26 Nov. 1910.

¹³⁶ Blewett, *Elections of 1910*, 169, 171.

¹³⁷ *John O Groat Journal*, 2 Dec. 1910.

¹³⁸ Craig, *Election Results*, 562.

¹³⁹ *Highland News*, 17 Dec. 1910.

Please impress on him he should go direct to Sutherland on his return and stay at least three weeks amongst the people...Oh dear, this Empire is too easily got at!’¹⁴¹

His mother may have wailed at his apparent lack of political interest, but despite having no elected influence, the 5th Duke, as he became in 1913, was not afraid of standing his ground against one of the toughest politicians of the age. In 1912, after the passage of the People’s Budget and Lord’s reform, Lloyd George turned his focus to an assault on landlords, to claw back popularity lost over his National Insurance legislation.¹⁴² In 1912, he established his Land Campaign, charged firstly with a major information gathering exercise on both urban and rural landownership in Britain and secondly to recommend reforms to change it for the better.¹⁴³ This campaign, following right on the heels of the People’s Budget, with its punishing financial clauses, was a further blow to landowners like the young 5th Duke. In October 1913, Lloyd George hit home with a speech at Bedford, in which he attacked deer forests, a key income for the Sutherland estate, accusing landowners of deliberately keeping land from agricultural purposes for sport, thereby denying that land and the employment that might be generated by it, from the working classes.¹⁴⁴ Lloyd George went on to single out the Sutherland estate for special approbation, for both the vast number of acres under deer and for the clearances of a century past.¹⁴⁵ By touching on the clearances, Lloyd George stung the Sutherland estate into action. The 5th Duke’s London lawyers, Humbert and Prowse, sprung into action, advising him to call Lloyd George’s bluff by offering the government land in Sutherland at a symbolically low price.¹⁴⁶ Initially, the sum of £2.10.0 per acre was suggested, as, ‘There is, of course, no chance of the offer I suggest you

¹⁴⁰ NLS, Acc. 10225, Policy Papers, 117, MacLean to Duke, 17 Dec. 1910. See also 170, Prowse to Morrison, 30 Dec. 1910; *John O Groat Journal*, 23 Dec. 1910.

¹⁴¹ NLS, Acc. 10225, Lawyer’s Correspondence, 235, Duchess to Macaulay, 29 Dec. 1910; for the 5th Duke’s version of these elections see 5th Duke of Sutherland, *Looking Back: the autobiography of the Duke of Sutherland* (London, 1957), 65.

¹⁴² I. Packer, *Lloyd George, Liberalism and the Land: the land issue and party politics in England, 1906-1914* (Suffolk, 2001), 79-80.

¹⁴³ House of Lords Record Office, Lloyd George papers, LG/C2 for papers of the land campaign 1912-13; Packer, *Lloyd George, Liberalism and the Land*, 83-84; D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 70.

¹⁴⁴ Packer, *Lloyd George, Liberalism and the Land*, 188.

¹⁴⁵ NLS, Acc. 10225, Sales, 6, cutting from *Scotsman*, 13 Oct. 1913 and 5th Duke, *Looking Back*, 70.

¹⁴⁶ NLS, Acc. 10225, Sales, 6, Humbert to Duke, 14 Oct. 1913.

make in the letter being accepted and I should like you to put the price per acre as low as possible. I think that you will find a price of £2 an acre would be more than you would get in the ordinary way.'¹⁴⁷ In his offer to Lloyd George, the 5th Duke also pointed to his grandfather's reclamations of the 1870s as proof that land in Sutherland was unfit for agricultural purposes.¹⁴⁸ Once again, the reclamations were being put to good use in the field of public relations by the estate, just as they had been in 1883 and 1893. Lloyd George responded by buying himself extra time by requesting more detailed information on the offer.¹⁴⁹

This move generated concern among the estate management: at what price per acre should they fix the land, so that their future interests were not damaged and it appeared that they were offering the government a bargain? The estate decided that £1.10.0 an acre was the right price, as, '£2 an acre seems, at the first blush, cheap, but people are already beginning to realise that it may be very dear.'¹⁵⁰ The intention to sell large portions of Sutherland had already been formed by the duke and estate: these sales would eventually go forward after the Great War, but the estate was worried about offering a price to the government it might have to stick to later when facing a private purchaser. There were also concerns that the value of the land for the purposes of Estate Duty would be based on the price now offered to the government, rather than the actual value which was much lower.¹⁵¹ Humbert suggested reducing the asking price to £1.10.0 an acre, as the government, 'who will certainly be advised by their experts that £2 an acre is more than similar land has before fetched and is more than it is worth. A reduction, however, of 10/- an acre in price would seriously increase their difficulties and the difficulties of the Government.'¹⁵² The estate thought it was unlikely that the government would take the offer and even if they did, the estate would not lose out. After this extensive consultation, the Duke went ahead and offered no less than 400,000 acres of north

¹⁴⁷ NLS, Acc. 10225, Sales, 6, Humbert to Duke, 14 Oct. 1913.

¹⁴⁸ NLS, Acc. 10225, Sales, 6, Duke to Lloyd George, 14 Oct. 1913 and 5th Duke, *Looking Back*, 70-71.

¹⁴⁹ NLS, Acc. 10225, Sales, 6, Lloyd George to Duke, 28 Oct. 1913.

¹⁵⁰ NLS, Acc. 10225, Sales, 6, Humbert to Duke, 3 Nov. 1913.

¹⁵¹ NLS, Acc. 10225, Sales, 6, Humbert to Duke, 3 Nov. 1913.

¹⁵² NLS, Acc. 10225, Sales, 6, Humbert to Duke, 3 Nov. 1913.

and west Sutherland to the government, through Lloyd George, for £1.10 0 per acre, reserving buildings and fishings.¹⁵³

A debate over the offer began in the press while Lloyd George deliberated.¹⁵⁴ Some praised the Duke for raising a more positive profile of his class than had been evident since 1909.¹⁵⁵ Other correspondents rejected the idea that the reputation of the ducal family as great clearance landlords could ever be whitewashed clean.¹⁵⁶ 1914 marked the official anniversary of the Sutherland clearances; despite the Duke's offer, and the strong refutations in the press of the myths surrounding the clearances, the estate's reputation failed to improve much.¹⁵⁷ In December 1914 Lloyd George made his reply, and it was not what the estate was expecting. Firstly, Lloyd George accused the duke of a publicity stunt, having published all their correspondence in the newspapers, including the offer, instead of sending it privately.¹⁵⁸ Next, Lloyd George pointed to the poor quality of the land offered and the high price set for it; no less than forty-two years purchase of the rental value. As Lloyd George wrote: 'Further comment hardly seems to be necessary.'¹⁵⁹ Lloyd George then pointed out that the Death Duties resting on the estate since the death of the 4th Duke stood at £400,000, slightly less than what the proposed land sales to the government would make. The accusation was clear: the estate, instead of making a pecuniary sacrifice, would be selling virtually worthless land at four times its actual value and in essence, the government would be paying the Death Duties of the estate.¹⁶⁰

The estate's response was rather lame: the 5th Duke claimed that Lloyd George was being, 'hardly fair,' in bringing up the Death Duties and ends on the hope that the offer, although unsuccessful, 'leads you to alter, not indeed the character, but the venue of your rhetoric. Even audiences, which, like yourself, have never been "at" a Deer Forest are unlikely to be impressed by your tears for the preservation of

¹⁵³ NLS, Acc. 10225, Sales, 6, Duke to Lloyd George, 4 Nov. 1913.

¹⁵⁴ *Highland News*, 1 Nov. 1913, 20 Dec. 1913, 10 Jan. 1914.

¹⁵⁵ NLS, Acc. 10225, Sales, 6, cutting from *London Mail*, 29 Nov. 1913.

¹⁵⁶ NLS, Acc. 10225, Sales, 6, cutting from *Highland News*, 17 Jan. 1914.

¹⁵⁷ NLS, Acc. 10225, Sales, 6, cutting from *Daily Telegraph*, 25 Jul. 1914; Prowse to Duke, 23 Nov. 1913; *Highland News*, 15 Nov. 1913, 14 Feb. 1914, 6 Jun. 1914, 25 Jul. 1914, 8 Aug. 1914.

¹⁵⁸ NLS, Acc. 10225, Sales, 6, Lloyd George to Duke, 13 Dec. 1913.

¹⁵⁹ NLS, Acc. 10225, Sales, 6, Lloyd George to Duke, 13 Dec. 1913.

land in the Highlands while you denounce 23/6 an acre for such lands as a wholly excessive price.’¹⁶¹

This spat between Lloyd George and the 5th Duke highlights how little had changed in the public perception of the estate and in the estate’s response to this perception between 1861 and 1914. This can be seen firstly, in the estate’s aversion to any public criticism relating to the clearances or later landlord policy such as deer forests, and the strenuous efforts it would make to appear to be compensating for them. This has been seen in the reclamations, the 1884 Duke’s Memo Scheme and the 1894 Crofters Purchase Scheme: when faced with criticism, the estate invariably made a big gesture. In 1913 it offered land to the government, seemingly giving the land back to the people at a pecuniary sacrifice to itself, but it is clear this was far from the case. The symbolic price offered to Lloyd George of £1.10.0 - £2 per acre was in fact all or more than the estate could ever hope to get from the land sales in the north: in 1899, the estate had sold 100,000 acres to W. E. Gilmour for £100,000 and its land sales after the Great War would amount to the same price per acre.¹⁶² Also, by offering this land for sale, the estate was placing the burden of dividing and stocking the land on the crofters and the government, as it had in the Syre experiment 1899-1911 and tried to at Melness in 1911. In fact, if the government had taken up the 5th Duke’s offer, it is not at all clear how the sale would have actually benefited the crofters, presumably the group Lloyd George and the estate were competing to appease. The estate, as it had done many times in the past, looked for the impact this gesture would have on public opinion, rather than on the well being of the crofters.

Lloyd George can also be criticised for his ill-advised publicity stunt: the Sutherland estate and the clearances connected with it were an easy rhetorical target, but actually grappling with the difficulties of land settlement in Sutherland was a much more trying proposition. In his rejection of the Duke’s offer, Lloyd George actually complained about the quality of the land offered, ‘While portions of them appear to be capable of development, by afforestation for example, it

¹⁶⁰ NLS, Acc. 10225, Sales, 6, Lloyd George to Duke, 13 Dec. 1913.

¹⁶¹ NLS, Acc. 10225, Sales, 6, Duke to Lloyd George, 23 Dec. 1913.

¹⁶² Cannadine, *Decline and Fall*, 108.

appears, unfortunately, that the terms which you propose are not such as I can possibly regard as reasonable.¹⁶³ It is true that the land offered covered the parishes of Eddrachillis, Durness, Tongue, parts of Farr and of Lairg: with the possible exception of the land in Lairg parish, this was without a doubt the poorest land in the county.¹⁶⁴ Still, it was also the only land available to the bulk of Sutherland's crofters and if the government genuinely wanted to help them, the poor quality of the land would have to be faced at some point. As can be seen in the dire results of the efforts of the Board of Agriculture for Scotland in Sutherland up to 1925, despite the strong will to give crofters more land, the thoroughness of the clearances, the generally poor quality of land and poverty of the crofters prevented much from being achieved.¹⁶⁵ It was easy enough for Lloyd George to raise the profile of his Land Campaign by pointing to the familiar demons of landlordism, but practical results were much harder to come by.

At a local level, another struggle was continuing. The estate management were still fighting for their positions on locally elected bodies, even though their star had long been on the wane. Most of the factors had given up any serious hopes of being elected onto the Parochial Boards, and instead observed how, 'it is astonishing to see how anxious the people are over it [Parish Council election] and how they band together to gain a more than full representation on the Council.'¹⁶⁶ The crofting electorate were urged on in this by the crofting press, which argued for the removal of bugbears such as factors and ground officers from all elected bodies.¹⁶⁷ The only factor who was consistently successful at Parish elections was Box, who seemed to retain the support of the local crofters for genuine reasons of respect and popularity.¹⁶⁸ He was unique among the Sutherland factors after 1890, however, and once illness claimed him in 1902, the Sutherland estate was not represented at parish level again.

¹⁶³ NLS, Acc. 10225, Sales, 6, Lloyd George to Duke, 13 Dec. 1913.

¹⁶⁴ NLS, Acc. 10225, Sales, 6, Duke to Lloyd George, 4 Nov. 1913.

¹⁶⁵ L. Leneman, *Fit for Heroes? Land Settlement in Scotland after World War One*, (Aberdeen, 1989), 54.

¹⁶⁶ NLS, Acc. 10225, Factor's Correspondence, 1513, Box to Duke, 8 Nov. 1898.

¹⁶⁷ *Highland News*, 16 Nov. 1889 and 5 May 1906.

¹⁶⁸ NLS, Acc. 10225, Factor's Correspondence, 1513, Box to Duke, 9 Dec. 1898.

The County Council was still contested ground, however. After the estate's signal defeat in the first round of Council elections in 1890, an informal rule had been introduced by the Duke forbidding his factors to stand for election.¹⁶⁹ Box inadvertently broke this rule in 1901 when he was invited to stand,

Originally I had no intention of standing as a candidate for the County Council, whose meetings are held at Golspie, the attendance of which would give me a good deal of trouble...but when these delegations from the people pressed me, I felt that I ought to show that I valued their confidence and accept...There was a crofter candidate who came forward under the impression that I was not to stand, but he at once voluntarily withdrew when I was nominated.¹⁷⁰

The estate management had no hand in this election; indeed, Box was reproved for taking this step.¹⁷¹ But when the political situation hotted up as the 1906 election approached, the Duke changed his mind about his factors' role in local elections and he became keen to have more influence over the County Council.¹⁷² In 1907, MacLean regained his place on the Council and the Duke bombarded him with advice,

You are now in quite an independent position, which is an advantage, and you will be able to lead moderate opposition to foolish proposals. As you well know our efforts should be directed to try and make the Council stick to business matters...No doubt there will always be loose talk of a political

¹⁶⁹ NLS, Acc. 10853, Policy Papers, 46, Alex. Simpson to MacLean, 8 Dec. 1901.

¹⁷⁰ NLS, Acc. 10225, Factor's Correspondence, 1521, Box to Duke, 5 Dec. 1901.

¹⁷¹ NLS, Acc. 10853, Policy Papers, 46, Alex. Simpson to MacLean, 8 Dec. 1901.

¹⁷² NLS, Acc. 10225, Factor's Correspondence, 1927, Simpson to Duke, 5 Nov. 1904 and 14 Nov. 1904; Dunbabin, 'Expectations of the new County Councils,' 366.

nature...but after a time the majority may get tired of this sort of thing and then your time will come.¹⁷³

Despite the Duke's hopes, the often solitary figure of the Sutherland factor on the Council led to much pessimism among the estate management about what could be achieved and whom they would be working with.¹⁷⁴

Two examples of notable figures in Sutherland local politics in the 1900s were Andrew Lindsay, convenor of the County Council for many years and the Rev. Cathal Kerr, Free Church minister of Melness, one in the most radical townships in the county. These were the type of people the Sutherland factors dreaded to work with and who took over the factor's traditional domination of local affairs. The Rev. Kerr was in the mould of his radical predecessors of the 1880s, an outspoken cleric despised by the estate management for his, as they saw it, wild promises of land for the crofters. He was involved in the applications by crofters to the CDB for Syre, causing trouble for the estate, 'They [Melness crofters] are now being stirred up by Mr Kerr who lectures and has public meetings very frequently. He may be doing this out of proper motives, but the result will be that the fire which had almost burned itself out will again be fanned into flame by his ardent appeals and seductive promises.'¹⁷⁵ Unfortunately for the estate, Rev. Kerr did not have just his moral authority and remit as a minister to rely on, but became active in local politics, holding seats on Tongue Parish Council, the School Board and on the County Council. The estate rightly predicted, 'The Rev. Mr Kerr will make much mischief.'¹⁷⁶ Rev. Kerr worked hard for his constituency, speaking out for them at meetings of the Council and getting involved with the Syre settlement.¹⁷⁷ He was unable to establish his position further, however, as he died in March 1900 in South

¹⁷³ NLS, Acc. 10853, Policy Papers, 52, Duke to MacLean, 23 Dec. 1907. See also Duke to MacLean, 8 Dec. 1907.

¹⁷⁴ NLS, Acc. 10225, Policy Papers, 112, MacLean to Duke, 4 Dec. 1907.

¹⁷⁵ NLS, Acc. 10225, Factor's Correspondence, 1514, Box to Wright, 18 Feb. 1899 and Box to Duke, 1 Apr. 1899; *Northern Times*, 24 Aug. 1899.

¹⁷⁶ NLS, Acc. 10225, Policy Papers, 159, Wright to Box, 13 Apr. 1899.

¹⁷⁷ NAS, AF42/365, Minute by Lord Balfour, 3 Mar. 1899 and cutting from the *Scotsman*, 3[?] Mar. 1899. See also *Highland News*, 26 Aug. 1899.

Africa whilst acting as a chaplain for the army there.¹⁷⁸ One of his contemporaries in Sutherland politics was Mr Andrew Lindsay, a prosperous merchant based in Tongue. He was less radical than Kerr, taking a more balanced approach to the land question and often reined in his more excitable colleague at Council meetings.¹⁷⁹ Although he spared his listeners radical rhetoric, he was certainly another thorn in the side of the Sutherland estate. He was convenor of the County Council, a moderate Liberal and, ominously, a friend of Angus Sutherland.¹⁸⁰

The period 1897-1913 was a tumultuous one for politics in Sutherland, both national and local. National events contributed to this situation; elections from 1900-6 were characterised by landslides, leaving huge change and bitterness in their wake. The issues at stake in these elections were also rarely directly connected with Sutherland or the Highlands. The Boer War tipped the balance in 1900, and Lloyd George's divisive financial reforms and battle with the House of Lords was vital in 1906 and 1910.¹⁸¹ There were unique conditions in Sutherland that made the contests extra bitter, however; the fact that from 1900, every Liberal Unionist or Tory candidate was related to the Duke of Sutherland led to fraught electoral campaigns, and frequent comparisons were made with the election of 1885, still remembered with cynicism and bitterness. From 1906, however, the seat was in Liberal hands, and A. C. Morton saw off both Lochiel and Lord Stafford in 1910, a litmus test of how little direct political influence the Sutherland estate now had in the county. The story was the same in local politics. If any Sutherland factor was on a local body it was a fluke based on personality and ability, not the accepted and automatic privilege it had been before the 1880s. A new type of local politician was emerging in Sutherland, personified by men like Andrew Lindsay. Unlike Rev. Kerr, who fitted the old mould of radical cleric, who saw himself as fighting a moral enemy, Lindsay recognised that the political power of the ducal family was waning. Lindsay saw that extreme rhetoric would only create sympathy for the

¹⁷⁸ *Northern Times*, 22 Mar. 1900.

¹⁷⁹ *Highland News*, 26 Aug. 1899.

¹⁸⁰ NAS, AF42/594, Lindsay to Sutherland, 8 Jun. 1900; *Highland News*, 6 Apr. 1901 and 10 Feb. 1906; *Northern Times*, 24 Aug. 1899, 22 Mar. 1900, 26 Apr. 1900; *John O Groat Journal*, 22 Dec. 1899, 16 Mar. 1900, 27 Jul. 1900.

¹⁸¹ Hutchison, *Scottish Politics*, 4-6.

estate, and that radicalism was no longer necessary to fight its power. He could afford to take a more moderate position, as the Sutherland estate was now, politically at least, a shadow tiger.

Conclusion

From 1885 to 1910, a clear reversal of the political fortune and influence of the Sutherland family can be traced. It took the ducal family and estate a long time to realise that their political influence was counting for less and less, as the 4th Duke's ill-fated interventions in the 1910 elections demonstrate. This decline can be seen in the local political sphere also, and was a huge blow to estate staff who had counted on their role as elected officials to exert control over the small tenants on the estate. These changes were part of the wider transformation of the Sutherland estate over the period 1861-1913, from a body which completely controlled (and saw itself as having the right to do so), all aspects of its small tenants' lives, from place and conditions of residence, rent, land extensions and politics, to one stripped of these powers. The Crofters Commission and later, the CDB took away much of the estate's function regarding practical crofting matters, and from 1885, as we have seen, the estate also lost its grip over the politics of the county.

This loss of political power was not from want of effort on the part of the ducal house; the estate management was expected to help the candidate supported by the ducal house and the factors, despite officially being land managers, were always heavily involved in electioneering. The question of estate interference in elections, either direct or indirect, cannot be clearly resolved but recurring suspicion in the crofting press left the estate's image tarnished.¹⁸² What has been made clear is that although the estate management was very aware of, and sought to keep within electioneering laws, it did all in its power to try to influence the results of elections. As the estate covered nearly the whole of the parliamentary constituency, that influence was, at the very least, an important factor even after the secret ballot and franchise reforms, and at the very most, had a direct bearing on the results of both local and national elections.

In a further show of direct political determination, both the future 4th and 5th Dukes stood as candidates for Parliament, and in other elections, friends or relatives such as MacKay of Hereford and Leveson Gower also stood. Only Leveson Gower

¹⁸² *Scottish Highlander*, 18 Dec. 1885.

was successful in gaining the seat, however, and that was largely due to the circumstances of the Boer War.¹⁸³ The cycle of direct involvement of the ducal house in politics ended in 1913. Lord Stafford, who narrowly lost in 1910 was expected to stand again for the Commons, but before another election was called, his father died and he was elevated to the House of Lords.

¹⁸³ Auld, 'Liberal Pro-Boers,' 89, 91; P. Readman, 'The Conservative Party, patriotism and British politics: the case of the General Election of 1900,' *Journal of British Studies*, 40 (2001), 109-11, 131, 139.

'Neither forgotten nor forgiven.' Conclusions¹

This thesis has given an overview of the Sutherland estate management during one of the most sustained periods of crisis in its history, has tried to examine the background and reasoning behind the many important, and frequently controversial, policy decisions it made over the years and to dissect the often tortuous structure of the management. It has been written primarily from an estate-centric viewpoint and demonstrates the dedication and effort that the lower estate management put into preserving the ducal family's interests in Sutherland, however that was perceived.

The decline of the power of the estate has also been tracked, in all its guises, from local and national politics, to the treatment of the crofters and government intervention in the running of the estate through settling rents and granting land enlargements. The government in its various guises had a significant practical and ideological impact in Sutherland, on both the crofters and the estate. The role of external agencies in the Sutherland estate, such as the government, has been an important part of this thesis.

The Highland context of the Sutherland estate is vitally important when looking at its changing fortunes and structure from 1860 to 1914. Initially, the sheer size and wealth of the estate makes it appear unique in a Highland, or even British, context, and as such, has been labelled as unworthy of the level of academic attention it has

¹ National library of Scotland [hereafter NLS], Acc. 10225, Sales, 6, cutting from *Highland News*, 17 Jan. 1914.

received.² It is argued here, however, that behind the screen of the wealth of the ducal family, the story of the Sutherland estate closely matches that of other Highland estates: decline in power over the crofters, of political power and of capital wealth. The difference between the Sutherland estate and other Highland estates lies in the huge wealth of the ducal family from lands, properties and investments outwith Sutherland, which cushioned the decline of the Sutherland estates, a monetary safety net that most other Highland estates did not have.

‘A debt of honour due our ancestors:’ the clearances³

The clearances have been the ghost at the feast in this thesis: although the only ‘clearances’ between 1861 and 1913 were those at Clashmore, there is no escaping the wholesale clearances of the 1810s and 1850s and their evolving meaning in this period. This was because their practical results were all around to see decades after their completion: acute poverty among the crofters, in land and capital, being the chief consequence. The crofters had been moved to poor land on the coasts, where little provision was made for their advancement in the fishing industries, and there had built up in numbers until the congestion was almost intolerable for the inhabitants. The interior of Sutherland was almost completely cleared, presenting another long-term legacy – the difficulty, if not impossibility, of their reversal.⁴ The sheep farms and the rents they generated had been so large, the later temptation for

² R. H. Campbell, ‘Too much on the Highlands? A plea for change,’ *Scottish Economic and Social History*, 14 (1994), 69-70.

³ NLS, Acc. 10225, Sales, 6, cutting from *Highland News*, 17 Jan. 1914.

afforestation and the rents they generated were so immediate and the capital of the crofters so small, that the government found it very difficult to negotiate a solution.

By and large ignoring these practical difficulties, crofter champions and the crofting press were guilty of churning out tired rhetoric about the clearances instead. The ducal family was very sensitive to this criticism, whilst refusing to accept personal blame.⁵ The estate, in front of the Napier and Deer Forest Commissions, refused to discuss the clearances, considering them to be outwith the remit of contemporary discussion. They were in the past and the present day estate management would accept no responsibility for them, except to occasionally claim that their intention, if not execution, had been good. Despite this refusal to discuss the clearances in public, they nevertheless had a profound effect on later generations of the ducal family; firstly, by making them intolerant of public criticism and, secondly, by directly affecting estate policy, generating strife within the estate management over how the ducal family's reputation should best be defended. After 1882, the 3rd and 4th dukes preferred to be conciliatory towards the crofters, rather than face renewed criticism, but the estate factors were often opposed to policies which, as they thought, encouraged lawlessness in the crofters.

It can be argued that the period 1886 to 1914 was one of acute crisis for the Sutherland estate, almost to the same extent as that experienced during the clearances of 1809-21. The clearances fundamentally changed the estate, in terms of both rental income structure, and the landscape of Sutherland itself. They also

⁴ L. Leneman, *Fit for Heroes? Land Settlement in Scotland after World War One* (Aberdeen, 1989), 53.

⁵ 5th Duke of Sutherland, *Looking Back: the Autobiography of the 5th Duke of Sutherland* (London, 1957), 31-32.

cost the estate a small fortune: between 1811 and 1833 it had spent £500,000 and gained no net rental income between 1811 and 1820.⁶ After 1886 a new crisis hit, and the Sutherland estate, along with all other Highland estates, had to face further fundamental changes: direct government intervention in the running of the estate, including setting rents and granting land enlargements, were massive ideological and practical changes, imposed on the estate.⁷ This time, the crisis for the estate was not a financial one, although the 1880s did see the effective end of the family tradition of spending on large capital projects. For example, in the 1840 and 1850s, more than £503,000 was spent on building projects at Lilleshall, Cliveden, Stafford and Dunrobin; railway building in Sutherland in the 1860s ate up £226,380 and the reclamations of the 1870s and 1880s cost roughly £220,000.⁸ In total, this adds up to £949,380, and these were by no means the only investments the family made, just the largest. Once the reclamations had petered out in the mid-1880s, however, the family and estate went into a period of semi-retrenchment. The consequences of this legacy of vast expenditure, combined with low land values and a depressed agricultural market after 1879, and government intervention, irrevocably changed the nature of the Sutherland estate.

⁶ E. Richards, *The Leviathan of Wealth: the Sutherland Fortune in the Industrial Revolution* (London, 1973), 216, 232.

⁷ E. McIver, *Memoirs of a Highland Gentleman: being the reminiscences of Evander McIver of Scourie*, (ed.) Rev. G. Henderson (Edinburgh, 1905), 81.

⁸ PP 1884 XXX11-XXXVIII, *Evidence of the Commissioners of Inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland*, [hereafter *Napier Commission Evidence*], Sir Arnold Kemball, 2526; Richards, *Leviathan of Wealth*, 16.

‘The still backward and rather neglected county:’ the government and the Sutherland estate, 1886-1914⁹

This thesis has examined the impact of direct government intervention in the running of the Sutherland estate after 1886, from its attempts to impose order in Clashmore to setting rents and purchasing land. Government agency did have some important effects in Sutherland, though it was never an unqualified success. It is fair to say that the government’s aim to halt depopulation and try to reverse the chronic poverty in Sutherland failed. By 1921, the population of Sutherland stood at 17,802, a decrease of 11.8% from 1911, the highest decrease in any county in Scotland.¹⁰ This failure was compounded by the continuing endemic poverty of many of Sutherland’s crofters, as the following petition painfully demonstrates. It is from a young boy with TB, living in poverty with his disabled father in Brora. It could have been written in 1810, and shows that for many small tenants, especially on the north and west coasts, standards of living had changed very little over a hundred years:

Noble Sir I am writing your lordship to inform you of my condition I have nobody to look after me my sister went away before your letter came they were saying your lordship was to have me sent away I am writing your lordship to have pity on a

⁹ 5th Duke, *Looking Back*, 65.

¹⁰ *Census of Scotland*, 1921 (Edinburgh, 1923), 1867: M. Anderson and D. J. Morse, ‘High Fertility, high emigration, low nuptuality: adjustment processes in Scotland’s demographic experience, 1861-1914, Part I,’ *Population Studies*, 47 (1993), 12, 21.

poor helpless lad like me who can not do anything to help himself
 in the goodness of his heart send me to a sanatorium and God
 would guide you in your work in the future. I humbly beg pardon
 for this letter I do hope your lordship will send me away soon.¹¹

Lord Stafford did send him to a sanatorium and paid the fees.

The estate was partly at fault for this deplorable situation. Crofter poverty was, and remained, an accepted part of estate life in the Highlands well after the Great War. As crofters' rents represented only a small proportion of the Sutherland estate's income, little was done to remedy their poverty. Over the period 1860-1914 there was minimal change to crofters' rents, which accounted for a small percentage of the estates' total rental income. For example, in 1914, crofters' rents represented 13% of a total rental of £58,634, and 59% of this sum was unpaid arrears.¹² Following the beginning of government intervention in Highland estates after 1886, the estate became very unwilling to make any financial sacrifices for the crofters, regarding that as the government's responsibility.¹³ The estate certainly did not obstruct government attempts to improve the living conditions of crofters, however, although the obstacles were numerous and the government had little success. The undercapitalised nature of crofting society and the constantly criticised standards of crofter husbandry, both attributable in turn to the clearances, were a problem. This, combined with the sheer remoteness of much of north and west of

¹¹ NLS, Acc. 10225, Buildings, 40, no. 60, Petition from Duncan MacRae to Lord Stafford, 16 Oct. 1910.

¹² NLS, Acc. 10853, 113, Rental Abstract, 1914.

the county and the poor quality of land, told against the government. The poverty of the Sutherland crofters would remain a thorny problem for the government throughout the twentieth century.

‘The grand old estate:’ the nature of the Sutherland estate¹⁴

It is clear that the Sutherland estate had a very poor public reputation in the period analysed here. Much of this reputation was predicated on views of the clearances of 1809-21, and a perception that the estate was like a well-oiled machine, monolithic, united. This thesis shows that in this particular, the reputation was inaccurate. The large and elaborate management structure was often racked with disagreement, leading to breakdowns in working relations. These collapses could be seen at all levels, from the implosion of the ducal family in the late 1880s and early 1890s to the resignation of Alex Ross, the Assynt ground officer, in 1888. The vast size and wealth of the Sutherland estate and the thoroughness of the clearances in the early nineteenth century generated an image of unity and power which, after 1882 at least, the estate simply did not have.

Evander McIver, for instance, was never reconciled to the changes after 1883. He rejected the 1886 Act, as it, ‘set up a barrier between the crofters and their landlords, with whom it was their wisdom to be on happy and pleasant terms.’¹⁵ He rejected both the 1886 Act and the 1897 Congested Districts Act for their

¹³ The clearest articulation of this belief came from the 4th Duke in 1900, when commenting on the Syre scheme and the governments’ responsibility towards the crofters; National Archives of Scotland, AF42/633, 4th Duke to Lord Balfour, 22 Sept. 1900.

¹⁴ McIver, *Memoirs of a Highland Gentleman*, 124.

provisions to provide more land for the crofters: the extension of the crofting system, he believed, would only spread poverty further and be detrimental to landlords' interests.¹⁶ The final blow came in his retirement, as he watched the 4th Duke sell 100,000 acres for as many pounds to Mr W. E. Gilmour. McIver bitterly noted that the Sutherland family had paid £300,000 for the land in 1827 and, 'I cannot but conclude that the price paid by Mr Gilmour is low and inadequate and that the sale made to him is a great mistake financially.'¹⁷ McIver's regret was based on more than what he saw as the financial folly of the dukes, but rather on the breaking up of, 'the grand old estate,' he had spent so much of his career trying to preserve, order and shape.¹⁸ He observed discontentedly in 1898, 'I am vexed and broken in spirit by the sale of so much of this fine estate that I cannot think, speak or write about it with patience.'¹⁹ These reactions to fast-changing circumstances on Highland estates after 1882 were shared with factors all over the Highlands, and links Sutherland, despite all its unique qualities, into that context.²⁰

When he retired in 1895, McIver was one of a dying breed: unable to accept the changes in the fortunes of either the crofters or landlords, he fought tooth and nail against his colleagues and was eventually effectively sidelined. He gratefully accepted the 4th Duke's offer of retirement in 1895, perhaps realising how ineffectual his protests against the new world of crofting rights had become. He never gave up hope that things would revert to better and happier times,

¹⁵ McIver, *Memoirs*, 82.

¹⁶ *Napier Commission Evidence*, Evander McIver, 1710.

¹⁷ McIver, *Memoirs*, 150.

¹⁸ McIver, *Memoirs*, 124.

¹⁹ McIver, *Memoirs*, 281.

²⁰ J. Shaw Grant, *A Shilling for your Scowl: the history of a Scottish Legal Mafia* (Stornoway, 1992), 164, 198-200, 211; I. M. M. MacPhail, *The Crofters War* (Stornoway, 1989), 13-14.

The crofters on the Sutherland estates had been treated with kindness...and for thirty years after I became factor, they were easily managed in the Scourie agency. They had confidence in my sense of fairness and justice as their factor, and rents were paid, as a rule, with regularity; in short, it was satisfactory as compared with most Highland estates with crofter tenants. But once the excitement and agitation sprung up, the Sutherland crofters became dissatisfied. The subject of the removals from Strathnaver in times long gone by was revived and rehearsed in exaggerated colours and open rebellion broke out...Time will open the eyes of the crofters to the fact that their ideas and expectations as to the benefits and advantages they were to obtain, and which had been so grossly and extravagantly exaggerated by agitating land leaguers, are not to be realised.

McIver never changed his views about the Sutherland crofters: after thirty years of complete control over the small tenants, including orchestrating the wave of clearances and emigration after the Famine, he could and would not accept the crofters' new assertiveness and legislative rights. He ended his career a disappointed man: all he had worked hard and sacrificed his reputation for had been rejected by the ducal family in the 1880s and 1890s and he could only look on in sadness.

The ducal family has provided important points of reference in this thesis. The British and Imperial aristocratic context of the period has been essential, as the family moved first and foremost within these select circles, and were Highland landlords second. Their vast wealth – the Sutherland fortune put them in the top rank of British aristocrats – and the field of their investments after 1880, including significant projects in the Empire, meant their influence stretched far beyond Sutherland, into almost every continent.²¹ The financial heyday of the ducal family was short, however, stretching a little over a century, beginning with the marriage of Countess Elizabeth to Lord Stafford in 1785 and ending after the Great War with the 5th Duke's massive land sales. Much of the fortune was lost on the way on bad investments, and in the dynastic strife of the 1890s. With a fortune the size of the Sutherlands', it was almost inevitable that an argument over inheritance would crop up at some point, but the losses sustained by the estate in the will case crisis of 1892-4, perhaps as much as £750,000 in capital, were a huge blow.²² The payout to the Dowager Duchess was part of the decline of the Sutherland fortune from the 1890s, but the trend had begun earlier, and, despite the paranoia of the 4th Duke, the decline was not the fault of the crofters or the government, but the ducal family itself.

The Sutherland estate was unique in many ways: primarily, in its size, structure and wealth, especially when viewed in a Highland context. Despite, or perhaps because of these unique qualities, it has been essential to look at the papers of other

²¹ D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), 710; 5th Duke, *Looking Back*, 58; J. Forbes Munro, *Maritime Enterprise and Empire: Sir William Mackinnon and his business network, 1823-1893* (Woodbridge, 2003), 213-220, 233; E. Richards, 'An Anatomy of

Highland estates, for two reasons. Firstly, they highlight the significance of the Sutherland fortune in the day to day running of the estate. Other landowners were dependant to a far greater degree on the incomes from their estates than the Sutherland family ever was and this manifests itself in how those estates were run. A healthy press reputation was more important to the dukes than a healthy rental roll, for instance, whereas the opposite was true for the financially embarrassed Macdonald estates on Skye. The Macdonald estates had been in debt for most of the nineteenth century: by 1862, the debts exceeded £100,000.²³ The crisis continued, the threat of the sale of the estate never far from becoming reality.²⁴ This is not to say that the Sutherland estate did not suffer financially, as other Highland estates did, but what allowed the estate to maintain itself, even after sales of land and property, was the remnant of the staggering wealth of the ducal family, a wealth entirely unconnected with the Sutherland estate. The family did sell 600,000 acres in Sutherland after World War One, for instance, but that still left them with 500,000 acres. Further, although by 1914, both Stafford House in London and Trentham house in Staffordshire had been sold, that still left Dunrobin and Lilleshall houses for the family. The pattern of sale and losses is the same as on many other Highland estates therefore, it was just that the Sutherland family started with so much land and property, the scale of the loss was disguised and somewhat cushioned.

the Sutherland Fortune: income, consumption, investments and returns, 1780-1880,' *Business History*, 21 (1979), 54.

²² D. Stuart, *Dear Duchess: Millicent Duchess of Sutherland, 1869-1955*, (London, 1982), 44-45.

²³ Armadale Castle, Macdonald MSS, 5167, 'Note of debts and burdens on the Macdonald estates,' 1862.

The lower estate management in Sutherland, from the factors down, and their style of running the estate, had much in common with their contemporaries on other Highland estates. The Sutherland factors and ground officers differed with the ducal family and later Commissioners on many points of principle over the crofters: they were unhappy about rent arrears for instance, believing the crofters should be pressed to pay up to maintain discipline.²⁵ The same can be said about the factors' attitude to the loss of their traditional local political power on the Poor and School Boards: their failure to retain these seats in the 1880s or get onto the new County Council after 1889 led them to make doom-laden statements about the future of landed estates. All of these minor issues covered something much more fundamental, however; an inability of the part of the older generation of estate staff to adapt to their new position in relation to the crofters. Accustomed to, and believing it to be absolutely necessary to have complete dominance over the crofters to maintain 'order,' older factors rejected the government-backed improving status of the crofters.

The Sutherland estate, far from being a smoothly running, united machine, was in fact an often tortured, elaborate and hierarchical structure, ill-equipped to deal with the challenges of the period analysed. The sheer number of people it took to run the estate resulted in many competing and often opposing priorities, periodically bringing the management to a standstill, as in 1888-89 and 1892-94. Like all Highland estates, the Sutherland estate had to learn, reluctantly, how to adapt to the

²⁴ Armadale Castle, Macdonald MSS, 3583, Lady Napier of Magdala to the Hon. Godfrey Macdonald, 23 Mar. 1902 and 31 Mar. 1902; 3611, Macdonald lawyers to Malcolm of Invergarry, 14 Sept. 1908; 3649, Dundas and Wilson (lawyers) to Sir Anthony Abdy, 22 Jan. 1916.

²⁵ *Napier Commission Evidence*, Evander McIver, 1707.

new world of crofters' rights after 1886, as well as the government bodies that administered them. In spite of the unique size of the lands held by the ducal family, and their extraordinary wealth, the central narrative of the estate matches that of most other Highland estates: decline. Politically, financially and territorially, the Sutherland estate was a shadow of its former self by 1920; that fact that it was still a large estate was a reflection of the remnant of the Sutherland family's wealth, not of wise or successful management from 1860.

Appendix A

Memorandum in reply to Petitions to His Grace The Duke of Sutherland, from
various Parishes in Sutherland.¹

1. The Duke of Sutherland is willing to adopt any practical means of improving the condition of the Crofters on his Estate; by providing reclaimed lands, or lands susceptible of reclamation, for those desirous of obtaining larger holdings. Those accepting new holdings would be required to relinquish the land they occupy, with the view of its being appropriated to the enlargement of their neighbours' crofts.

2. For obvious reasons this measure must be restricted to existing crofters on this Estate. Crofters (not being females) removing to lands to be reclaimed, would be allowed a period of, say, three years, to admit of their establishing themselves on their new holdings.

3. Those proceedings to occupy lands already reclaimed, to relinquish their present holdings at once.

4. To extend the desired privilege to Crofters' sons or relatives, or to Cottars, would be not only to perpetuate the limitation of the land of Crofters in possession – or, in other words, the state of things which it is sought to remedy – it would be beyond the means and resources of any proprietor.

5. The three petitions up to this date presented to His Grace, which are identical in terms, and which are subscribed by 137 persons, comprise fifty-six Crofters, of whom thirty-two already possess improvable lands of considerable area: these could not do better than undertake the reclamation of the same on the following terms:-

¹ National Library of Scotland, Acc. 10225, Crofters, ZN/a, Memorandum in reply to petitions to His Grace the Duke of Sutherland, from various parishes in Sutherland, 19 Nov. 1884.

6. Improvements, including trenching, clearing, fencing, and draining, to be effected by contract, under specifications subject to the approval of the Proprietor, with provision for payment as the work proceeds. The tenant to pay interest on the outlay at the lowest rate at which loans may be obtainable by the Proprietor, either from Government or capitalists: say, four per cent. per annum.

7. Fencing to be limited to ring fences of reclaimed land.

8. In the case of lands to be reclaimed from the Muir; leases, for a period not exceeding thirty years, containing all usual clauses, to be indispensable. Rent nominal, say 6d. per acre. Reclamation to be effected on the terms above stated.

9. In the case of lands already reclaimed; Leases, for nineteen years, to be indispensable.

10. Rent to be fixed by Arbiters mutually appointed, with power to them to name an oversman, or failing agreement on their part, the Sheriff to nominate the oversman.

11. Plans of buildings to be approved by the Proprietor.

12. Compensation will be fairly due to those who give up land properly reclaimed, or good buildings, so far as the same have been created by their own capital and labour, in whole or in part, within the past nineteen years:- Subject to arbitration. Rights of common pasture, where available; and obligations in respect to herding stock thereon, and peat cutting, to be subject to the rules of the Estate.

13. Subletting or subdivision of holdings strictly prohibited.

14. It is obvious that tenants proposing to occupy lands already reclaimed, or to be reclaimed from the Muir, should be possessed of some capital; or of a strong

working family to enable them to enter on improving leases with a reasonable prospect of success.

15. The hill pastures already in the hands of the Crofters are susceptible of great improvement by better management of the communities interested; by better regulated stocking, as well as by proper drainage and the more careful attention to the levelling or flagging of peat banks, etc.

16. The tenants in each township should appoint a committee to make proper regulations, and see to their observance, for the advantage of all concerned. It is manifestly unfair that a few in each township should practically monopolise the hill pasture, which is intended for the benefit of all in proportion to the value of their respective holdings.

17. Where the common hill pasture of a township is deemed to be insufficient, land will be provided to supplement it, at the discretion of the proprietor, to such extent as may be found practicable and desirable. The apportionment of stock to be determined, subject to a grazing rent, *pro rata* of the arable acreage of the holdings.

18. In addition to the reclamation of waste lands forming portions of existing crofts, the lands at present available for occupation on the terms above stated are -

1. Part of the Langwell estate, in Rogart, extending to about 400 acres – as designed many years ago for new crofts.

2. So much of Embo Muir as may remain (say 150 acres) after the fishermen of Embo have been accommodated with potato land.

3. The whole of the available reclaimed lands at Lairg, with pasture belonging thereto-on the West side of Tirrey – at Lubvrec, Achadaphris, and Colaboll; about 1,300 acres in all; which may either be let in their existing condition to associated Crofters, or be respectively divided into crofts of various sizes whenever the number of applicants is sufficient to occupy the area of each farm.

19. As soon as these lands are absorbed others may be provided to meet the requirements of the future.

20. The above conditions to be subject to the legislative action of Parliament, with respect to their supercession, or to their modification, at the discretion of the Proprietor.

Stafford House, 19th November, 1884.

Appendix B

The Marquis of Stafford's Crofters' Bill, 1885¹

1. The Act is to be cited as the Crofters (Scotland) Act, 1886.

SECURITY OF TENURE

2. A crofter shall not be removed from the holding of which he is tenant except in consequence of the breach of one or more of the conditions following (in this Act referred to as statutory conditions), but he shall have no power to assign his tenancy.

(1.) The crofter shall pay his rent at the terms at which it is due and payable.

(2.) The crofter shall not execute any deed or disposition purporting to assign his tenancy.

(3.) The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the holding by the dilapidation of buildings, or after notice has been given by the landlord to the crofter not to commit or to desist from the particular injury specified in such notice by the deterioration of the soil.

(4.) The crofter shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof, to erect or suffer to be erected thereon any dwelling-houses otherwise than in substitution for those already upon the holding at the time of the passing of this Act.

(5.) The crofter shall not do any act whereby he becomes not our bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, the Debtors' (Scotland) Act, 1880, and shall not execute a trust deed for behoof of creditors.

(6.) The sixth sub-section leaves to the landlord, or any person authorised by him, the right of entry on the holding for the purpose of mining, quarrying, cutting timber or peats, making roads, fences, drains passing to the sea-shore, hunting, shooting, fishing; and in the seventh the crofter is debarred from opening on his holding, without consent of the landlord, a house for the sale of drink.

¹ PP 1884-85, I, *Crofters Holdings (Scotland) Bill*; also printed in *Scottish Highlander*, 19 Feb. 1886.

3. When six months rent of the holding, but less than two years' rent is due and unpaid, the crofter shall be liable to be removed in a manner provided by section 27 of the Agricultural Holdings (Scotland) Act, 1883. When two years' rent is due and unpaid, or when the crofter has broken any other of the statutory conditions, he shall forfeit his tenancy, and shall be liable to be removed in a manner provided by the 4th section of the Act of Sederunt anent removing, of the 14th day of December, 1756.

The next three clauses treat of rent. Clause 4 continues the present rent til altered, which may be done according to clause 5, by agreement, or according to clause 6, the landlord or the crofter may apply to the Land Court under this Act to fix fair rent to be paid by such crofter to the landlord for the holding, and thereupon the Court, after hearing the parties and considering all the circumstances of the district-holding and district-and particularly after taking into consideration any permanent improvements on the holding why may have been executed by the crofter or his predecessors in the same family, may determine what is such fair rent, and pronounce an order accordingly. This rent says sub-section 2, shall not be altered for seven years; and sub-section 3 applies the clauses to crofter tenancies under £30 of rent held on lease.

By clause 7 a tenant may renounce his holding on giving a year's notice. Clauses 8 and 9 deal with compensation for improvements, when a crofter renounces his tenancy, or is removed from his holding, he shall be entitled to compensation for any permanent improvements, provided that (a) the improvements are suitable to the holding, (b) the improvements have been executed or paid for by the crofter or his predecessors in the same family within 30 years, (c) the improvements have not been executed in virtue of any agreement expressed in estate regulations or other writings.

Improvements shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant, but in fixing the amount of compensation payable allowance shall be made for any assistance or consideration which may be proved to have been given by the landlord or his predecessors in title in respect of any improvement.

Clause 10 applies the Ground Game Act to the holding under the Act, and gives the tenant an inalienable right to kill deer found on any cultivated ground forming part of his holding.

Clause 11 prohibits crofters' holdings being added to deer forests.

In clause 12 it is provided that, for the purpose of the Act passed in the year 1854 'for the valuation of land and heritages in Scotland,' and of the Acts amending the same, and of all assessments and rates for public purposes, the yearly value of lands or heritages let or used as deer forests or grouse moor shall be taken to be the sporting rent at which one year with another such lands and heritages might reasonably be expected to let, and section 42 of the said Act shall be read as if the words 'whether such shootings or deer forests are actually let' were not therein contained.

The Land Court is treated of in clauses 13 to 16.

13. (1) It shall be the duty of the Sheriff having jurisdiction in any county or part of a county to which this Act applies from time to time to hold a Court, to be called a Land Court, for the purposes of this Act, and for the hearing and determining any dispute of question between a landlord and a crofter which may be brought before such Court by either party.

(2) Every case brought before a Land Court shall be heard and determined without a jury, but the Sheriff may, if he thinks fit, call in the aid of an assessor or assessors specially qualified, and hear the case wholly or partially with his or their assistance; or he may cause any valuation or report to be made by a competent valuer appointed by him for the purpose.

(3) The remuneration of an assessor or valuer employed under this section shall be determined by the Sheriff, and paid by such of the parties or by the parties in such proportion as he shall direct.

(4) The decision of the Sheriff when holding a Land Court shall be final.

Clause 14 applies certain parts of the Agricultural Holdings (Scotland) Act, 1883, and the Court of Session are, by Clause 15, empowered to make rules for the procedure of the Land Courts. Interest at the rate of 3 per cent. will be paid on

deposit, which will be retained til a sum equal to the guarantee has been repaid and perfected if default is made.

In clause 16 power is given to parties who prefer to seek the decision of referees. Clauses 17 to 21 treat of advances from assisting crofters to purchase stock or holdings. Power is giving to the county authority to make advances up to three-fourths of the value of the holding without guarantee deposit, and to the full value with a guarantee deposit, which, according to clause 18, must amount to not less than one-fifth of the advance, and on which interest at the rate of 3 per cent. will be allowed, the money being returnable when the crofter has paid a similar amount, and to be forfeited if default is made. Repayment of the advances would, according clause 19, be in four years ay £4 for every £100 advanced; and clause 20 gives the Local Authorities, in cases where advances have been made, power to prevent the sub-division, and by clause 21 a sum not exceeding five years rental, and the holding made be advanced for the purchase of stock. The Local Authority must not advance more than one year's rateable value of their county.

Powers are in clauses 22 to 26 sought to be given to Local Authorities at the instance of ten or more crofters or crofters' sons to apply to the Land Court compulsorily to set apart land which may be available for crofters' holdings; and clauses 27 and 28 empower the Public Works Loan Commissioners to advance loans for the execution of harbours and other works for the encouragement of sea fisheries in manner similar to the provisions of the Irish Fisheries Act.

The Act, according to clause 29, would apply to the whole of the county of Sutherland, and to such parts of the counties of Argyll, Inverness, Ross, Caithness, Orkney, and Shetland, as the Scotch Secretary may determine to be crofting parishes.

Appendix C: the Sutherland Estate Management, 1861-1913

The Duke of Sutherland

3rd duke 1861-1892

4th duke, 1892/3-1913

5th duke, 1913-1963

The Commissioner

George Loch, 1853-1879

General Sir Arnold Burrowes Kemball, 1879-1886

R. M. Brereton, 1886-1888

Dunrobin	Tongue	Scourie
Joseph Peacock, 185?-1885	John Crawford, 185?-1885	Evander McIver, 1845-1895
Donald MacLean, 1885-1912	John Box, 1885-1902	Donald MacLean, 1895-
Col. John Morrison, 1912 -	Col. John Morrison, 1902-12	1912

Bibliography

A. The Sutherland Papers

National Library of Scotland

Sutherland Estate Papers, Acc. 10225, which covers the period 1860 – 1920 and includes the following subject categories (starred categories have lists):

Titles*

Policy Papers*

Estate Lawyer*

Estate Architect*

Factor's Correspondence*

Estate Rentals*

Financial Records*

Farms*

Reclamations*

Fisheries

Helmsdale Angling

Buildings*

Game and Shootings

Woods and Plantations*

Crofters*

Railways*

Harbours*

Ferries

Roads and Bridges

Golspie Stores

Golspie Lime Works

Brora Colliery

Schools

Revd Joass's Papers

Maps and Plans*

Sutherland Estate Papers, Acc. 10853, which covers the period 1860 – 1920 and includes the following subject categories, all listed:

Titles

Policy Papers

Leases

Helmsdale Harbour

Scottish Home Industries Sutherland Association

Specifications

Sutherland Estate Papers, Acc. 12173, which covers the period 1804 – 1910 and includes the following subject categories, all listed:

Title Deeds

Policy Papers

Leases

Agents' Stated Accounts and Vouchers

Rentals

Maps and Plans

Architectural Drawings

Cromartie Estate Correspondence

Sutherland Estate Papers, Dep. 313, which covers the period c.1200 - 1860 and includes the following subject categories, all listed:

Titles

Household and Personal Papers

Estate Management Papers

Legal Papers

Tacks

Jurisdictions and Public Authorities

Military

Papers relating to Caithness

Reay Estate

Ross-shire Estates

Gordon of Carroll

Maxwell of Preston

Sutherland Savings Bank

Maps and Plans

Miscellaneous Papers

Sutherland Estate Papers, Dep. 314, includes twenty-five items, mainly genealogical in nature, from the seventeenth and nineteenth centuries.

Staffordshire County Record Office

Sutherland Estate Papers, D593: The collection includes material from the thirteenth century to the late nineteenth century, and is mainly concerned with the family's English estates. Scottish material is gradually being transferred to the National Library of Scotland, Acc. 12173. This collection has been comprehensively catalogued by Staffordshire County Record Office and the following is an outline of the subject categories;

Medieval Deeds

Title Deeds

General Deeds

Draft and Copy deeds: documents relating to sales

Legal

Accounts and Vouchers

Rentals

Maps, Plans and Surveys

Leases

Manor Court Rolls and Papers

Estate Correspondence

Estate Memoranda and Reports

Mining Records

Estate Agency Records

Other Estate Documents

Personal

Private Secretaries' Letters and Papers

Household

Public Office

Solicitor's Papers

Miscellaneous Personal Manuscripts

Printed Material

B. Estate and Personal Papers

National Library of Scotland

Papers of John Stuart Blackie, Acc. 2634

Papers of Rev. James Cumming, Acc. 5931

Papers of Sir William Mackinnon, Mg. 2

National Archives of Scotland

Lothian Muniments, GD 40

Cromartie Estate Papers, GD 305

Reay Papers, GD 84

Papers of the Scottish Landowners Federation, GD 325

Bodleian Library

Harcourt Papers, Harcourt Dep. 112-116

Hughendon Papers, Dep. Hughendon, 71

House of Lords Record Office

Lloyd George Papers, LG/C-F

Armada Castle, Skye

Papers of the Macdonald Estate, Skye

Ulbster Estate Office, Thurso

Papers of the Sinclair of Ulbster Estate, Caithness

Papers of Mrs Liz Sutherland

Privately held papers, on temporary loan to the author

C. Government Records**National Archives of Scotland**

Crofting Files, AF67

Congested Districts Board Files, AF42

Scottish Home and Health Department Miscellaneous Files, HH1

Scottish Office, Emigration Files, HH55

The National Archives

Treasury Records, Office of Works, TI/11564

D. Legal Papers**National Archives of Scotland**

Papers of the High Court of Justiciary, JC26/1888/202

Papers of the Sheriff Court of Dornoch, SC9/47/2

The National Archives: Public Record Office

Justiciary Records, J 165/13-14, 1891 Will case

Printed Primary Sources

A. Public Reports

Crofters' Commission Annual Reports, 1886-1912

Congested Districts Board Annual Reports, 1898-1912

Fishery Board for Scotland Annual Reports, 1903-1906

B. Parliamentary Papers

1884, XXXIII-XXXVI: *Evidence and Report of the Commissioners of Inquiry into the condition of the Crofters and Cottars in the Highlands and Islands of Scotland.*

1890, XXVII; 1890-91, XLIV: *Reports of the Committee appointed to inquire into certain Matters affecting the interests of the population of the Western Highlands and Islands of Scotland.*

1895, XXXVIII-XXXIX: *Royal Commission (Highlands and Islands, 1892), Report and Evidence, 1895.*

Hansard, *Parliamentary Debates, House of Commons.*

C. Newspapers

Scottish Highlander

Highland News

Scotsman

Crofter

Inverness Courier

Northern Ensign

Northern Times

The Times

John O Groat Journal

D. Contemporary Commentaries

Bedford, Duke of, *A Great Agricultural Estate* (London, 1897).

Campbell, R., 'On Land Tenure in Scotland and England,' *Law Quarterly Review*, 2 (1885).

Farquarson, R., *The House of Commons from Within* (London, 1912).

Farquarson, R., *In and Out of Parliament: Reminiscences of a Varied Life* (London, 1911).

Kemp, D., *The Sutherland Democracy* (Edinburgh, 1890).

Loch, J., *An Account of the Improvements on the Estates of the Marquis of Stafford* (London, 1820).

McIver, E., *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander McIver of Scourie*, (ed.) Rev. George Henderson (Edinburgh, 1905).

Mackenzie, A., *A History of the Highland Clearances* (Inverness, 1883).

MacLeod, D., *Gloomy Memories in the Highlands of Scotland* (Toronto, 1857).

Mallock, W.H., 'The Arch-depopulator of the Highlands,' *Nineteenth Century and After*, 75 (1914).

Marx, K., 'Sutherland and Slavery, or the Duchess at home,' *People's Paper*, (London, 1853).

Pentland, Lady, *The Right Honourable John Sinclair, Lord Pentland, G. C. S. I.: A Memoir* (London, 1928).

Roberts, C. G., 'Sutherland Reclamation,' *Journal of the Royal Agricultural Society*, 2nd series, 15 (1879).

Russel, A., 'The Highlands - Men, Sheep and Deer,' *Edinburgh Review*, 106 (1857).

Sellar, T., *The Sutherland Evictions of 1814: former and recent statements respecting them examined* (London, 1883).

Sutherland, 5th Duke of, *Looking Back: the Autobiography of the Duke of Sutherland* (London, 1957).

Secondary Sources

Adonis, A., *Making Aristocracy Work: the peerage and the political system in Britain, 1884-1914* (Oxford, 1993).

Adonis, A., 'The Survival of the Great Estates: Henry 4th Earl of Carnarvon and his dispositions in the 1880s,' *Historical Research*, 64 (1991).

Anderson, M. and Morse, D. J., 'High Fertility, high emigration, low nuptuality: adjustment processes in Scotland's demographic experience, 1861-1914, Part One and Part Two,' *Population Studies*, 47 (1993).

Auld, J. W., 'The Liberal Pro-Boers,' *Journal of British Studies*, 14 (1975).

Blewett, N., *The Peers, the Parties and the People: the general elections of 1910* (London, 1972).

Bonnett, H., *The Saga of the Steam Plough* (1965).

Brown, J., 'Scottish and English Land legislation, 1905-11,' *Scottish Historical Review*, 47 (1968).

Brown, S. J., 'Echoes of Midlothian: Scottish Liberalism and the South African War, 1899-1902,' *Scottish Historical Review*, 71 (1992).

Bush, M. L., 'An Anatomy of Nobility,' in M. L. Bush, (ed.), *Social Orders and Social Classes in Europe since 1500: Studies in Social Stratification* (London, 1992).

Cameron, E. A., *Land for the People? The British Government and the Scottish Highlands, c1880-1925* (East Linton, 1996).

Cameron, E. A., *The Life and Times of Charles Fraser Mackintosh, Crofter MP* (Aberdeen 2000).

Cameron, E. A., 'The Political Influence of Highland Landowners: a reassessment,' *Northern Scotland*, 14 (1994).

- Cameron, E. A., 'Politics, Ideology and the Highland Land Issue,' *Scottish Historical Review*, 72 (1993).
- Campbell, R. H., *Owners and Occupiers: Changes in Rural Society in south-west Scotland before 1914*, (Aberdeen, 1991).
- Campbell, R. H., 'Too much on the Highlands? A Plea for change,' *Scottish Economic and Social History*, 14 (1994).
- Cannadine, D., 'Aristocratic Indebtedness in the nineteenth century: the case re-opened,' *Economic History Review*, 2nd ser., 30 (1977).
- Cannadine, D., *Aspects of Aristocracy: Grandeur and Decline in modern Britain* (London, 1994).
- Cannadine, D., *The Decline and Fall of the British Aristocracy* (London, 1990).
- Cannadine, D., (ed.), *Patricians, Power and politics in nineteenth century towns* (Leicester, 1982).
- Chambers, J.D. and Mingay, G.E., *The Agricultural Revolution, 1750-1880* (London, 1966).
- Cheshire, G. C. and Burn, E. H. (eds), *Modern Law of Real Property* (14th ed., London, 1988).
- Collins, E.J.T., *The Agrarian History of England and Wales, vol. VII, 1850-1914* (Cambridge, 2000).
- Coull, J. R., *The Sea-Fisheries of Scotland: a Historical Geography* (Edinburgh, 1996).
- Craig, F. W. S., *British Parliamentary Election Results, 1885-1918* (London, 1974).
- Devine, T.M., *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the nineteenth century* (Edinburgh, 1988).
- Devine, T.M. (ed.), *Scottish Farm Labour in the Era of Agricultural Depression, 1875-1900*, (1984).
- Devine, T. M. *Clanship to Crofters War: the Social transformation of the Scottish Highlands* (Manchester, 1994).
- Dickens, C., *Bleak House* (London, 1996: first edition, 1853).

- Drayton, R., *Nature's Government: Science, Imperial Britain and 'the Improvement of the world,'* (London, 2000).
- Dunbabin, J. P. D., 'Expectations of the new County Councils and their realisation,' *Historical Journal*, 8 (1965).
- Forbes Munro, J., *Maritime Enterprise and Empire: Sir William Mackinnon and his business network, 1823-1893* (Suffolk, 2003).
- Gray, M., *The Fishing Industries of Scotland, 1790-1914: a Study in Regional Adaption* (Oxford, 1978).
- Habakkuk, J., *Marriage, Debt and the Estates System: English landownership, 1650-1950* (Oxford, 1994).
- Helland, J., 'Rural Women and Urban Extravagance in late nineteenth century Britain,' *Rural History*, 13 (2002).
- Hobson, P., 'Assynt Parish,' *Scottish Geographical Magazine*, 65 (1949).
- Hunter J., *The Making of the Crofting Community* (Edinburgh, 1976).
- Hunter, J., 'The Politics of Highland Land Reform, 1873-1895,' *Scottish Historical Review*, 53 (1974).
- Hutchison, I.G.C., 'The Nobility of Politics in Scotland, c1880-1939,' in T. M. Devine, (ed.), *Scottish Elites*, (Edinburgh, 1994).
- Hutchison, I. G. C., *Scottish Politics in the Twentieth Century* (Basingstoke, 2001).
- Johnston, R., "'Charity that heals:" the Scottish Labour Colony Association and attitudes to the able-bodied unemployed in Glasgow, 1890-1914,' *Scottish Historical Review*, 77 (1998).
- Kirby, M.W., *The British Coal-mining Industry, 1870-1946* (London, 1977).
- Leneman, L., *Fit for Heroes? Land Settlement in Scotland after World War One* (Aberdeen, 1989).
- McCrone, D. and Morris A., 'Lords and Heritages: the transformation of the Great Lairds of Scotland,' in T. M. Devine, (ed.), *Scottish Elites* (Edinburgh, 1994).
- MacColl, A. 'Religion and the Land Question: the Clerical evidence to the Napier Commission,' *Transactions of the Gaelic Society of Inverness*, 52 (2000-2).
- Macinnes, A. I., *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996).

- MacKenzie, J.M., *Empires of Nature and the Nature of Empires: Imperialism, Scotland and the Environment* (East Linton, 1997).
- Mackillop, A., *More Fruitful than the Soil: Army, Empire and the Scottish Highlands, 1715-1815* (East Linton, 2000).
- MacPhail, I.M.M., *The Crofters War* (Stornoway, 1989).
- MacPhail, I.M.M., 'The Highland Elections of 1884-86,' *Transactions of the Gaelic Society of Inverness*, 50 (1976-78).
- MacPhail, I.M.M., 'The Napier Commission,' *Transactions of the Gaelic Society of Inverness*, 48 (1972-74).
- Mather, A. S., 'The Congested Districts Board for Scotland,' in W. Ritchie, J. C. Stone and A. S. Mather, (eds), *Essays for Professor R. E. H. Mellor* (Aberdeen, 1986).
- Meek, D. (ed.), *Tuath is Tighearna: Tenants and Landlords: An anthology of Gaelic Poetry of social and political protest from the Clearances to the Land Agitation, 1800-1890* (Edinburgh, Scottish Gaelic Texts Society, 1995).
- Mingay, G. E., *Land and Society in England 1750-1980* (London, 1994).
- Murray, B., *The People's Budget, 1909/10: Lloyd George and Liberal Politics* (Oxford, 1980).
- Newby, A., 'Scotia Major and Scotia Minor: Ireland and the birth of the Scottish land agitation, 1878-1882,' *Irish Economic and Social History*, 31 (2004).
- Nicholas, T., 'Businessmen and Landownership in late nineteenth century Britain,' *Economic History Review*, 53 (2000).
- O'Grada, C., 'Agricultural Decline 1860-1914,' in R. Floud and D. McCloskey (eds) *The Economic History of Britain since 1700* (Cambridge, 1981).
- O'Grada, C., 'British Agriculture, 1860-1914,' in R. Floud and D. McCloskey (eds) *The Economic History of Britain since 1700, vol. 2, 1860-1939* (second edition, Cambridge, 1994).
- Orr, W., *Deer Forests, Landlords and Crofters: the Western Highlands in Victorian and Edwardian Times* (Edinburgh, 1982).
- Packer, I., *Lloyd George, Liberalism and the Land: the Land issue and party politics in England, 1906-1914* (Woodbridge, 2001).

- Paton, D. M. M., 'Brought to a wilderness: the Rev. David Mackenzie of Farr and the Sutherland Clearances,' *Northern Scotland*, 13 (1993).
- Readman, P., 'The Conservative Party, patriotism and British politics: the case of the General election of 1900,' *Journal of British Studies*, 40 (2001).
- Richards, E., 'An Anatomy of the Sutherland Fortune; income, consumption, investments and returns, 1780-1880,' *Business History*, 21 (1979).
- Richards, E. and Clough, M., *Cromartie: Highland Life, 1650-1914* (Aberdeen University Press, 1989).
- Richards, E., *The Leviathan of Wealth: the Sutherland Fortune in the Industrial Revolution* (London, 1973).
- Richards, E., 'The Military Register and the pursuit of Patrick Sellar,' *Scottish Economic and Social History*, 16 (1996).
- Richards, E., *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the price of Progress* (Edinburgh, 1999).
- Robertson, I.J.M., 'The Role of Women in social protest in the Highlands of Scotland, c1880-1939,' *Journal of Historical Geography*, 23 (1997).
- Shepperson, G., 'Harriet Beecher Stowe and Scotland, 1852-53,' *Scottish Historical Review*, 31 (1952).
- Smout, T.C., 'The Highlands and the Roots of Green consciousness, 1750-1990,' *Proceedings of the British Academy*, 76 (1991); also printed in *Scottish Natural Heritage, Occasional Paper*, 1 (1990).
- Smout, T.C., *Nature Contested: Environmental History in Scotland and Northern England since 1600* (Edinburgh, 2000).
- Spring, D., 'The Role of the Aristocracy in the nineteenth century,' *Victorian Studies*, 4 (1960).
- Stenton, M. and Lees, S. (ed.) *Who's Who of British MPs, vol. 1 and vol. 2* (Harvester Press 1976 and 1978).
- Stuart, D., *Dear Duchess: Millicent, Duchess of Sutherland, 1867-1955* (London, 1982).
- Sykes, A., *Tariff Reform in British Politics, 1903-13* (Oxford, 1979).

Thompson, A. S., 'The Language of Imperialism and Meanings of Empire: Imperial discourse in British politics, 1895-1914,' *Journal of British Studies*, 36 (1997).

Thompson, B., *Imperial Vanities* (London, 2002).

Thompson, F. M. L., 'English Landed Society in the twentieth century: I, Property: Collapse and Survival,' *Transactions of the Royal Historical Society*, 5th series, 40 (1990).

Thompson, F. M. L., 'English Landed Society in the twentieth century: II: New Poor and New Rich,' *Transactions of the Royal Historical Society*, 6th series, 1 (1991).

Thompson, F. M. L., 'English Landed Society in the twentieth century: III: Self-help and Outdoor relief,' *Transactions of the Royal Historical Society*, 6th series, 2 (1992).

Thompson, F. M. L., 'English Landed Society in the twentieth century: IV: Prestige without power?' *Transactions of the Royal Historical Society*, 6th series, 3 (1993).

'Conference of landlords in Inverness,' *Transactions of the Gaelic Society of Inverness*, 11 (1884-85).

Trebilcock, C., *Phoenix Assurance and the Development of British Assurance*, vol. II (Cambridge, 1998).

Trollope, A., *Barchester Towers* (London, first edition, 1857).

Wheeler, P.T., 'Landownership and the crofting system in Sutherland since 1800,' *Agricultural History Review*, 14 (1966).

Withers, C.W.J., 'Give us Land and Plenty of it': the Ideological basis to Land and Landscape in the Scottish Highlands,' *Landscape History*, 12 (1990).

Womack, P., *Improvement and Romance; Constructing the myth of the Highlands* (Macmillan, 1989).

Young, J.D., *Women and Popular Struggles: A History of British working class women, 1560-1984* (Edinburgh, 1985).

Unpublished Material

MacColl, A. 'The Churches and the Land Question in the Highlands of Scotland, 1843-1888,' Unpublished PhD thesis (University of Cambridge, 2003).

Hildebrandt, R. N., 'Migration and economic change in the northern Highlands during the nineteenth century, with particular reference to the period 1851-1891,' Unpublished PhD thesis (University of Glasgow, 1980).

MacPhail, I., 'Land, Crofting and the Assynt Crofters' Trust: a Post-colonial Geography,' Unpublished PhD thesis (University of Lampeter, 2002).

Newby, A., 'Shoulder to shoulder? Scottish and Irish Land Reformers in the Highlands of Scotland, 1878-1894,' Unpublished PhD thesis (University of Edinburgh, 2001).

Perren, R., 'The Effects of the Agricultural Depression on the English Estates of the Dukes of Sutherland, 1870-1900,' Unpublished PhD thesis (University of Nottingham, 1967).

Robertson, I.J.M., 'The Historical Geography of Social Protest in Highland Scotland, 1914-c1939,' Unpublished PhD thesis (University of Bristol, 1995).

Tindley, A. M., 'Orkney and Shetland: Land Reform, Government Policy and Politics, c.1870-1914,' Unpublished MSc thesis (University of Edinburgh, 2002).

Key to Map

This map is taken from the collection of estate plans and maps in the National Library of Scotland, and is part of Acc. 10225.¹ No date is given for this map, but it was possibly made for the sales brochures produced by the Sutherland estate in 1918, although this is only speculation. It is used here as a general map for the reader, as the numbered areas it is broken up into usefully identify areas of interest in this thesis, as listed below:

Area 8: This area, white outlined in red, shows where the Lairg or Shiness land reclamations took place in the 1870s.

Area 25: This area, pink and white, outlined in red, shows where the Kinbrace or Kildonan reclamations took place in the 1880s.

Area 44: This area, white outlined in red, includes the township of Clashmore.

¹ National Library of Scotland, Acc. 10225, Maps and Plans, 291A, 'County of Sutherland: Map showing shootings and deer forests of the Sutherland estates.'

COUNTY OF SUTHERLAND
MAP SHOWING
SHOOTINGS & DEER FORESTS
ON THE
SUTHERLAND ESTATES

SCALE 1 INCH TO 2 MILES TO AN INCH

